UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/2002/116
19 December 2001

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-eighth session
Item 19 of the provisional agenda

ADVISORY SERVICES AND TECHNICAL COOPERATION IN THE FIELD OF HUMAN RIGHTS

Report of the Secretary-General

GE.01-16367 (E) 290102

CONTENTS

		Paragraphs	Page
I.	INTRODUCTION	1	3
II.	THE TECHNICAL COOPERATION PROGRAMME IN 2001	2 - 47	3
A.	Policy orientation	2 - 4	3
B.	Project identification, formulation, appraisal and approval	5 - 12	3
C.	Implementation modalities	13 - 23	5
D.	Project monitoring, evaluation and lessons learned	24 - 26	7
E.	Substantive areas	27 - 40	8
F.	Integration of a gender dimension and economic, social and cultural rights in the technical cooperation programme	41 - 42	10
G.	Management, administration and financing	43 - 47	11

Annexes

I.	TECHNICAL COOPERATION ACTIVITIES IN 2001	13
A.	Projects completed	13
B.	Projects under implementation	18
C.	New requests received	35
II.	BALANCE SHEET FOR THE VOLUNTARY FUND FOR TECHNICAL COOPERATION	38

I. INTRODUCTION

1. In its resolutions 2000/80, the Commission on Human Rights requested the Secretary-General to submit a further analytical report to the Commission at its fifty-eighth session on the progress and concrete achievements made, as well as obstacles encountered in the implementation of the programme of advisory services and technical cooperation in the field of human rights and on the administration of the fund. The present report is submitted pursuant to that request.

II. THE TECHNICAL COOPERATION PROGRAMME IN 2001

A. Policy orientation

2. The Technical Cooperation Programme of the Office of the High Commissioner for Human Rights (OHCHR) supports countries in promoting and protecting all human rights at the national and regional level by incorporating international human rights standards in national laws, policies and practices and by building sustainable national capacities to implement these standards and ensure respect for human rights.

3. The Programme is carried out at the request of the concerned Government. Projects are formulated and implemented with the broadest possible participation of all elements of national societies, including civil society and national institutions, as well as the judicial, legislative and executive branches of the Government. The Programme is implemented in the context of the pursuit of national development objectives and national programmes and assistance coordinated by the United Nations system in support of these objectives.

4. Among the key result areas that have been defined by OHCHR for the period 1999-2001 in the light of relevant provisions in the medium-term plan for 1998-2001 and the programme budget for 2000-2001 the following deserve particular attention within the Technical Cooperation Programme: national capacity-building to develop strategies and structures for human rights; human rights education; charting a new course for the implementation of economic, social and cultural rights and the right to development; racism; the rights of indigenous people; trafficking of women and children, gender and the human rights of women; the rights of the child; humanitarian law and human rights; and developing a policy for future human rights field activities and consolidating existing activities.

B. Project identification, formulation, appraisal and approval

5. The Technical Cooperation Programme of OHCHR is developed through established procedures, which include the following phases: request, needs assessment, project formulation, appraisal, approval, implementation, monitoring and evaluation.

6. Request. Technical cooperation projects at the national level are initiated by a formal request by the concerned Government.

7. Needs assessment. Following receipt of a request, the feasibility of the project is studied, taking into account recommendations by the competent United Nations human rights organs and bodies, including relevant recommendations by United Nations bodies and mechanisms, as well as the availability of resources. In the case of a positive outcome of this process, a need assessment mission is then usually fielded to define priority areas for a possible human rights project. The assessment team meets with all interested parties, both governmental and non-governmental, and United Nations and other agencies and organizations engaged in human rights-related areas, and collects all available relevant documentation and legislation. The report contains an analysis and assessment of the needs identified and proposals for action. Such an assessment is essential for tailoring projects to the specific needs of the requesting country as well as to ensure coordination with other actors and avoid duplication.

8. Project formulation. The formulation of a technical cooperation project is an outcome of the priorities identified and the availability of resources. The Programme seeks to establish partnership for positive change. Through dialogue the project is defined within the limits of the Programme's mission, goals and objectives, priorities and limited financial resources. If additional information is necessary, or further discussions are needed to refine the project strategy, a project formulation mission may take place. Technically, projects are based on the Logical Framework Method for project formulation, including a clear identification of the country's human rights context and background; the human rights needs/problems to be addressed; solutions offered by the project; target beneficiaries (direct and indirect); long-term and immediate objectives of the project, results, outputs, activities, inputs and risks; and identification and development of indicators for measuring of impact.

9. Internal appraisal. In December 1998 the Project Review Committee (PRC) was established as a subcommittee of the Senior Policy Committee. PRC is the mechanism through which OHCHR, at senior level, monitors performance, provides guidance and exercises internal control of its action-oriented activities. PRC considers new projects and their revision with the aim of assessing and providing guidance on: the relevance of the proposed objectives, activities and underlying assumptions of the project to the mandates, and priorities of OHCHR, and its possible impact on the issues the project intends to address; the suitability and effectiveness of project management, and institutional and implementation arrangements; the soundness of financial requirements, according to OHCHR's priorities and actual resources; and the possible special interest of the project to OHCHR in terms of policy implications, innovations and risks.

10. The Activities and Programme Branch (APB) of OHCHR has introduced a Pre-Screening Process with the aim of facilitating the work of PRC and ensure inter-branch consultations regarding project proposals. The Pre-Screening Process has resulted in better prepared proposals reaching the PRC but there is room for further improvement in the sense of broader in-house consultations at an earlier stage of the project preparation.

11. External appraisal. Projects are also subject to an external appraisal system through the Board of Trustees of the Voluntary Fund for Technical Cooperation (VFTC). The establishment of PRC as the internal oversight and appraisal committee (a measure recommended by the Board of Trustees) allows the Board of Trustees to devote more time for other parts of its broad mandate (Commission resolution 1993/87), including advice in long-term programming of

the OHCHR Technical Cooperation Programme. Consequently, at the thirteenth session in June 2000 the Board decided no longer to discuss each and every project proposal presented to PRC. During 2001 the focus has been more on reports from needs assessments and evaluations, trying to draw lessons learned from the evaluations and taking up discussions on thematic issues within the Technical Cooperation Programme.

12. Approval. Final approval rests with the High Commissioner, for OHCHR, and the Government concerned, and is formalized through the signature of the project document.

C. Implementation modalities

1. Regional approach and regional frameworks

13. Strengthening national capacities is decisive for any progress in the promotion and protection of human rights. However, OHCHR does not have the capacity to be present in all countries which are interested in technical cooperation projects. Therefore, OHCHR has developed a regional/subregional approach to support national efforts effectively. Initiatives at this level create the opportunity to draw on the expertise and best practices of countries in comparable situations, generate cooperation between neighbours, and allow for utilization of international resources in a concentrated, and thus more efficient manner. Developing regional/subregional frameworks for the promotion and protection of human rights involve governmental agencies; parliaments; civil society; international organizations, in particular components of the United Nations system, international financial institutions and regional organizations. OHCHR has already gained some experience, especially in the Asian-Pacific region where activities include: annual workshops, consultations and exchanges of best practices and experiences. Similar work is under way in the other regions and agreements have been made with the United Nations regional commissions to host Regional Human Rights Advisers. By the end of 2001 such advisers have been deployed in Santiago de Chile and Bangkok.

14. In accordance with a Senior Policy Committee decision, on 1 July 2001 the High Commissioner created within the APB a specific regional team responsible for OHCHR's activities in the region of the Middle East, North Africa and the Gulf.

2. Management of projects

15. Projects covering one or few substantive areas or to be carried out in a short time are implemented by the OHCHR Desk in Geneva alone or with a minimum of administrative support from a UNDP country office. Projects of a more complex nature or requiring a longer period of implementation are often carried out with assistance of human rights presences in the field, acting as offices of OHCHR or components of larger United Nations operations.

16. In 2001, the following national technical cooperation field presences were operational: Chad, Ecuador, Madagascar, Mexico, Somalia, South Africa, Sudan, Yemen and Palestine. In addition, the subregional office based in Pretoria continued to implement and facilitate the implementation of activities at the regional level as well as in various countries of the southern African region. Further, a new subregional Centre for Human Rights and Democracy

was opened in Yaoundé for the Central African countries. The following OHCHR field presences combined monitoring and technical cooperation mandates: Bosnia and Herzegovina, Burundi, Cambodia, Colombia, Croatia, Democratic Republic of the Congo and Yugoslavia.

17. Representatives of all field presences with technical cooperation mandates participated in the fourth meeting of OHCHR field presences, which was held in Geneva from 15 to 17 October 2001. The meeting included a session facilitating an open and constructive discussion on the practical aspects of improved cooperation between headquarters and the field. Another session entitled "Towards a one-office policy", included a focus on the issue of trafficking as a concrete example of how to enhance field and inter-branch collaboration. The meeting also discussed the relationship with the field presences of the Department of Political Affairs and the Department of Peacekeeping Operations of the Secretariat. Representatives of these field presences and Departments were present. Five major international human rights NGOs participated in a panel discussion on how to further involve and improve collaboration with NGOs in technical assistance projects and programmes.

3. Partnership with United Nations agencies and programmes

18. Enhanced collaboration with other United Nations actors in the implementation of technical cooperation activities allows for maximizing their impact and more efficient use of resources. OHCHR is undertaking an Office-wide evaluation to determine how to enhance its operational support to United Nations Country Teams (UNCTs) that are integrating human rights into their Common Country Analysis (CCA) and the United Nations Development Assistance Framework (UNDAF). This assessment will lead to a longer-term programme to identify and meet the needs of UNCTs in undertaking rights-based development programmes.

19. Close cooperation is particularly significant with UNDP, based on the memorandum of understanding in force between the two agencies. One example is the joint programme for Human Rights Strengthening, HURIST, supporting the implementation of UNDP's policy on human rights as presented in the policy document "Integrating Human Rights with Sustainable Human Development". Its primary purposes are to test guidelines and methodologies and to identify best practices and learning opportunities in the development of national capacities for the promotion and protection of human rights and in the application of a human rights approach to development programming. During the year 2001, HURIST has been active in some 30 countries.

20. A mid-term review in 2001 stated that HURIST has had a significant impact in raising awareness of and developing new national human rights action plans. The review recommended that the HURIST programme should focus on clarifying what is meant by mainstreaming human rights, identifying best practices and lessons learned, and understanding how practitioners should integrate human rights in their work.

21. The ACT (Assisting Communities Together) project is another joint OHCHR-UNDP project aimed at financially supporting, through micro-grants, human rights initiatives (small in scale but which can have an important impact) carried out by individuals/NGOs at the grass-roots level. OHCHR, in partnership with UNDP, launched the second phase of the ACT project in November 1999. Under this phase, 97 activities were selected to be funded.

During 2001, 90 of the selected projects were fully implemented, with very encouraging results, according to United Nations field partners involved. Seven projects had to be cancelled because of obstacles encountered during their implementation, mainly due to difficult political situations and armed conflicts. In 2001, a brochure presenting the ACT project and its achievements was designed, ready for production in early 2002.

22. OHCHR continues to implement technical cooperation projects at the national, regional and global levels in close cooperation with other United Nations agencies and programmes, such as the United Nations Children's Fund (UNICEF), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the United Nations Population Fund (UNFPA), the United Nations Development Fund for Women (UNIFEM), the Division for the Advancement of Women of the Secretariat, the Department of Peacekeeping Operations, the United Nations Staff College and the Office of the United Nations High Commissioner for Refugees (UNHCR).

4. Cooperation with non-United Nations partners

23. The Programme is also seeking to work with non-United Nations partners such as the Organization of African Unity (OAU), the African Commission on Human and Peoples' Rights, the Organization for Security and Cooperation in Europe (OSCE), the Organization of American States (OAS), the Inter-American Institute of Human Rights (IIHR), the United Nations Latin American Institute for Crime Prevention and the Treatment of Offenders (ILANUD) and others. For example, in Abkhazia (Georgia) OHCHR and OSCE have a joint office, inter alia to implement a technical cooperation project.

D. Project monitoring, evaluation and lessons learned

24. Project monitoring. Progress in project implementation is assessed on an ongoing basis by desk officers, the Project Review Committee, and through project monitoring missions involving broad consultations with all national and international counterparts. Project monitoring involves examination of the strategy pursued by the project and ensures that any adjustment needed to meet the project objectives and the human rights needs of the country will be made.

25. Evaluation. The final evaluation assesses the effectiveness and efficiency of the project activities. It also aims at assessing the sustainability of the project, in particular in terms of the impact on the human rights situation of the country concerned with specific regard to the sectors and problems addressed by the project. The Board of Trustees of the VFTC and external consultants play an increasing important role in the evaluation of the projects.

26. Lessons learned. Evaluation results provide documented evidence on the experience gained from past action to improve the future work of the OHCHR Technical Cooperation Programme. Lessons learned are the ultimate expression of evaluation results and should highlight the strengths and weaknesses in project identification, design and management that affected the performance and impact. Thus, they should form the basis for policy

recommendations. This crucial part of the project cycle could still be improved and further development is needed. Part of the problem is linked to the recognized difficulty of measuring the direct impact of technical cooperation projects and programmes on the implementation of human rights.

E. Substantive areas

27. The Technical Cooperation Programme offers assistance in a wide range of substantive areas which are summarized below (see also annex I to the report which provides information on specific projects).

1. National human rights institutions

28. An important objective of the Technical Cooperation Programme is to consolidate and strengthen the role which national human rights institutions can play in the promotion and protection of human rights. To this end, information materials and a manual have been developed for those involved in the establishment and functioning of national human rights institutions. In addition, a number of seminars and workshops have been conducted to provide government officials with information and expertise in the structure and functioning of such bodies. These events have also served as forums for exchange of information and experience concerning the establishment and operation of national human rights institutions. Direct cooperation in establishing or strengthening national human rights institutions has been offered, often in collaboration with UNDP, to some 30 countries. For further and more detailed information reference is made to the report of the Secretary-General to the General Assembly (A/56/255).

2. Administration of justice

29. The Programme provides training courses for judges, lawyers, prosecutors and prison officials, as well as law enforcement officers. Such courses are intended to familiarize participants with international human rights standards relevant for the administration of justice; facilitate examination of humane and effective techniques for the performance of penal and judicial functions in a democratic society; and teach trainers to include this information in their own training activities. Topics offered in courses for judges, lawyers, magistrates and prosecutors include: international systems of human rights protection; the independence of judges and lawyers; human rights standards applicable in criminal investigations, arrest and pre-trial detention; elements of a fair trial; juvenile justice; protection of the rights of women in the administration of justice; and human rights under a state of emergency.

30. Similarly, the training courses for law enforcement officials cover a variety of topics, including the following: relevant international human rights standards; the duties and principles of the code of conduct for the police in democracies; the use of force and firearms by law enforcement agencies; protection against torture and other inhuman treatment or punishment; effective methods of legal and ethical interviewing; human rights during arrest and pre-trial detention; and the legal status and the rights of the accused.

3. Assistance for constitutional and legislative reform

31. Assistance is provided with a view to ensuring consistency of national legislation with the international human rights standards. The assistance may take the form of advisory services provided by experts, organization of conferences, provision of human rights information and documentation, assistance in drafting laws, or support for public information campaigns to ensure the involvement of all sectors of society in law-making. This Programme component includes assistance with respect to constitutional law; penal codes and codes of criminal procedure; prison regulations; laws regarding minority protection; laws affecting freedom of expression, association and assembly; immigration and nationality laws; laws on the judiciary and legal practice; security legislation; and, in general, any law which might have an impact, directly or indirectly, on the realization of internationally protected human rights.

4. National parliaments

32. Projects developed in cooperation with national parliaments address, inter alia, ratification of international human rights instruments, the provision of information on comparative national human rights legislation, the role of parliamentary human rights committees and, in general, the role of parliament in promoting and protecting human rights.

5. The armed forces

33. The Programme has carried out a number of training activities for military officers. It conveys the importance and applicability of the rule of law and human rights in the activities of the armed forces, as well as their role in a democratic State.

6. Electoral assistance

34. This component includes the preparation of guidelines for analysis of electoral laws and procedures, publication of a handbook on human rights and elections, and public information relating to human rights and elections.

7. Treaty reporting

35. The Programme regularly organizes training activities for government officials responsible for the reports due under international human rights treaties to which their State is a party. Such assistance is provided at national and regional levels. The fellowship programme facilitates participation in the training, which includes workshops with experts from various treaty-monitoring bodies, as well as specialized OHCHR staff. An OHCHR *Manual on Human Rights Reporting* has been produced and visits to observe meetings of treaty bodies are being organized.

36. In 2001 a subregional workshop on the principal international human rights treaties was held for Pacific Island States in Apia, Samoa. The workshop took place from 11 to 14 December with participants from the following countries: Cook Islands, Niue, Samoa, Tonga and Tuvalu.

8. Non-governmental organizations and civil society

37. Strengthening civil society is one of the aims of the Programme. Accordingly, projects may include assistance to non-governmental organizations in the context of its country activities, by including them in seminars and training courses and supporting appropriate projects they have developed, as appropriate. Non-governmental organizations are not only addressees of technical cooperation projects but increasingly are also involved in their implementation e.g. in the Russian Federation, Georgia and the Andean Region. This empowers civil society and increases the potential of the Programme.

9. Training materials

38. As part of the United Nations Decade for Human Rights Education, OHCHR has continued to develop its series of training manuals and handbooks, for use by both instructors and participants. OHCHR training materials support all training activities implemented within the framework of global, regional and national technical cooperation programmes. Training manuals are tailored for specific audiences and thus focus on the relevant substantive aspects of human rights protection and appropriate pedagogical techniques. In addition to their role in training, the manuals constitute a valuable resource for organizations and individuals involved in human rights education at all levels.

39. The OHCHR Professional Training Series is designed primarily to provide support to the training activities carried out by the Office under its programme of technical cooperation in the field of human rights, and to assist other organizations involved in human rights education for professional groups. Recently, the *Training Manual on Human Rights Monitoring*, No. 7 in the Series, has been published in English.[1]

40. Work has continued on the training packages for peacekeepers, judges and lawyers, prison officials, primary and secondary schoolteachers, journalists, and national and local non-governmental organizations. In the development of these materials, OHCHR works in close cooperation with relevant experts and organizations. Further information on the training packages is provided in the High Commissioners report to the Commission on Human Rights on the United Nations Decade for Human Rights Education (E/CN.4/2002/104).

F. Integration of a gender dimension and economic, social and cultural rights in the technical cooperation programme

41. The Senior Policy Committee of OHCHR has discussed the steps to be taken in follow-up to the "Beijing + 5" review and to further gender mainstreaming and analysis within OHCHR policies and practices. A full-time Gender Coordinator has been engaged. OHCHR has developed a draft checklist to facilitate integration of a gender perspective into all aspects of OHCHR's work. In June OHCHR and UNFPA organized a meeting on the application of human rights to reproductive and sexual health.

42. Regional workshops including training on economic, social and cultural rights have been held during the year 2001 in Africa, Latin America and the Caribbean and in the Asian-Pacific region. Further, a global project is developing a practitioners' handbook on integrating economic, social and cultural rights into the work of national human rights institutions.

G. Management, administration and financing

43. The Board of Trustees of the VFTC was set up in 1993 pursuant to Commission on Human Rights resolution 1993/87, to advise the Secretary-General on the administration and operation of the Fund and to encourage contributions to the Fund. The Board is composed of the following members: Ms. Leila Takla (Egypt); Ms. Ligia Bolívar Osuna (Venezuela); Mr. Thomas Hammarberg (Sweden); Mr. Kinhide Mushakoji (Japan); and Mr. Krzysztof Skubiszewski (Poland). The Coordinator of the Voluntary Fund serves as secretary to the Board.

44. In 2001, the Board held its fifteenth and sixteenth sessions, from 5 to 7 June and from 13 to 15 November, respectively. During its sessions and through correspondence, the Board reviewed 35 new projects; discussed 10 completed and evaluated projects; discussed thematic issues, methodologies and procedures of the Technical Cooperation Programme; examined financial and administrative matters concerning the Fund and discussed fund-raising efforts. As usual, the Board during each session held a briefing for Member States. Finally, at the sixteenth session the Board discussed its own role and made the point that the ultimate responsibility for the individual projects is with the Office of the High Commissioner and therefore the Board should concentrate on an advisory role and pay major attention to the strategy and overall orientation of the Technical Cooperation Programme.

45. Upon the initiative of the High Commissioner, an external assessment of the Board of Trustees (BOT) of the VFTC and the Project Review Committee (PRC) took place in October and November 2001. The objectives of the review were to assess the BOT and the PRC with emphasis on role, relevance, efficiency and complementarity and further, based on assessment and analysis, to present policy recommendations for the enhancement of the two bodies, the approval process and, through that, the quality of the OHCHR projects. The High Commissioner is studying the report.

46. Technical cooperation activities are funded mainly by the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights and partly from the United Nations regular budget for technical cooperation in the field of human rights. Financial information concerning the Voluntary Fund is provided in annex II. Status reports on activities and contributions are prepared by the secretariat of the Voluntary Fund and are available upon request.

47. As part of the fund-raising strategy, OHCHR has developed a global Annual Appeal. The Annual Appeal for the year 2002, launched in November 2001, provides a thorough presentation of the planned activities and hopefully will encourage more predictable and timely funding and permit longer-term planning of activities. The Annual Appeal includes projects to be funded by the Voluntary Fund for Technical Cooperation. In 2001 OHCHR published for the first time an Annual Report concerning activities in 2000. The report marks a further step towards enhanced management of projects and improved transparency and accountability.

Note

[1] United Nations publication, Sales No. E.01.XIV.2.

Annex I

TECHNICAL COOPERATION ACTIVITIES IN 2001[a]

A. Projects completed

1. The following projects were completed during 2001:

Global (GLO/98/AH/10). Integrating human rights in the United Nations System: strengthening national capacities for human rights training of military and police peacekeepers. No activity took place in 2001.

Global (GLO/99/AH/25). Eliminating trafficking and protecting the rights of trafficked persons: global project for 2000-2001. The project has been replaced by a new one (GLO/01/AH/21).

Regional Africa (RAF/96/AH/30). Strengthening of African regional capacities for the protection and promotion of human rights. Project evaluation still to be done

Regional Africa (RAF/99/AH/07). Strengthening national capacity for the promotion and protection of human rights in West Africa: national action plans. The workshop on national action plans took place in Banjul from 17 to 19 December 2001.

Regional Africa (RAF/01/AH/03). Regional Meeting of African National human rights Institutions. The meeting was held in March.

Regional Africa (RAF/01/AH/28). African Consultative Dialogue I. The consultative dialogue took place in Geneva from 5 to 7 November 2001.

Regional Africa (RAF/01/AH/29). Training workshop on economic, social and cultural rights in the southern African region. The training workshop took place in December.

Gabon (GAB/98/AH/01). Development of national capacities for the promotion and protection of human rights. The members of the National Commission on Human Rights were nominated on 30 March 2001. They were provided with training sessions from 23 to 25 October 2001. The report on the training sessions is being finalized and will include some recommendations for possible future cooperation.

Madagascar (MAG/97/AH/10). Strengthening of national capacities in the field of human rights. Three training sessions were held during the year: one for magistrates and lawyers, another for prison personnel and the last one for police officers. An evaluation mission took place from 14 to 23 November 2001. The external European Union (EU) evaluation report will be available in 2002.

Malawi (MLW/95/AH/34). Consolidation of the democratic process. A workshop on human rights conflict resolution for the Human Rights Commission was held in March. In April the training of the Ombudsman and civil society as well as a training on investigation and reporting for the Human Rights Commission took place. During the same month the Project Review Committee extended the project until July 2001. Two workshops were held under the extension of the project on the following topics: (a) Human rights and conflict resolution; (b) Human rights and conflict resolution: workshop for judges of the High Court and Supreme Court. In November, equipment and documentation were provided to the Malawi Human Rights Commission. An evaluation mission is planned for early 2002.

Namibia (NAM/96/AH/10). Assistance in the implementation of human rights standards. Activities: From 16 to 18 February a human rights retreat for senior judges was organized. Until December 2001 the project supported the consultant/coordinator of the human rights and Documentation Centre at the University of Namibia. Two human rights training workshops were held for 60 commissioned officers of the Namibian Police Force from 29 October to 2 November and 5 to 9 November, respectively. In November 2001, the project provided the Human Rights and Documentation Centre with office equipment.

Rwanda (RWA/00/AH/14). Capacity development for the Rwanda Human Rights Commission. An institution development adviser, a human rights education expert, a documentation centre consultant and an office automation expert have been assisting the Commission on short-term assignments. A new phase of the project is foreseen.

Sierra Leone (SIL/01/AH/06). Human rights awareness and training programme for the United Nations. The project was not implemented because of the changed operational circumstances.

Somalia (SOM/99/AH/05). Assistance to Somalia in the field of human rights. A new project was approved in December 2000.

South Africa (SAF/96/AH/16). Human rights institutional strengthening. Training manuals for the Land Restitution Commission and the Justice College were drafted and the project personnel assisted various institutions regarding evictions and security of tenure. An evaluation took place from 19 November to 18 December 2001.

Regional Asia Pacific (RAS/99/AH/01). Enhancing national capacities for the promotion and protection of human rights in the Asia-Pacific region: national action plans. This project was component I of the Teheran Framework. The activities under the project document are completed. The compendium of national human rights action plans was prepared, disseminated and updated and is now on the OHCHR web site.

Regional Asia Pacific (RAS/00/AH/18). Workshop on the impact of globalization on the full enjoyment of economic, social and cultural rights and the right to development. The workshop's target audience was governmental representatives with responsibility for economic development. It gathered representatives from 24 States in the region, 8 national human rights institutions, 10 NGOs, 14 United Nations agencies and international organizations, including several UNDP resident coordinators, and experts who addressed the workshop.

Regional Asia Pacific (RAS/00/AH/08). Fifth annual meeting of the Asia-Pacific Forum of National Human Rights Institutions. The responsible institution was the Asia-Pacific Forum of National Human Rights Institutions. The report was presented at the 9th regional meeting of South Asian national institutions (28 February to 2 March 2001).

Regional Asia Pacific (RAS/00/AH/13). National institution - economic, social and cultural rights training. A final report was distributed to participants at the 9th regional meeting of South Asian national institutions (28 February to 2 March 2001).

Regional Asia Pacific (RAS/01/AH/20). Regional Workshop on the Role of National Human Rights Institutions and Other Mechanisms in Promoting and Protecting Economic, Social and Cultural Rights. This meeting was held in July in cooperation with the Asia-Pacific Forum and the Hong Kong Equal Opportunity Commission.

Bhutan (BHU/95/AH/20). Strengthening national human rights capacity. A final evaluation of the project was carried out from 2 to 7 April 2001.[b]

China (CPR/00/AH/01). Workshop on the Punishment of Minor Crimes. The workshop was conducted successfully on 26 and 27 February 2001 in Beijing. A follow-up to this workshop was prepared (CPR/01/AH/08).

China (CPR/01/AH/08). Follow-up activities to the Beijing Workshop on Punishment of Minor Crimes. The workshop on the follow-up to the Beijing workshop was held on 17 and 18 September 2001 with a focus on the issue of re-education through labour.

China (CPR/01/AH/12). Implementation of the technical cooperation activities between OHCHR and China according to the memorandum of understanding. In July, a workshop on human rights and the police was held. In August, the OHCHR manual for police, *Human Rights and Law Enforcement*, was translated. On 8 and 9 November a workshop on human rights education was held.

China (CPR/00/AH/22). Support for the preparation and implementation of the technical cooperation programme. This project provided for a programme adviser.

Indonesia (INS/98/AH/11). Support for the implementation of Indonesia's National Plan of Action on Human Rights - Phase I. No activity took place in 2001.

Indonesia (INS/00/AH/06). Enhancement of the capacity of the Indonesian administration of justice sector for the prosecution of human rights violations. In March, a technical adviser was appointed and based in OHCHR Geneva. Visits to Jakarta in March and in July 2001 took place in order to update the project activities. The High Commissioner, with regard to the accountability within the Indonesian judicial system for human rights offences perpetrated in East Timor, is of the view that the revised Decree 96 confers impunity for international crimes by limiting the temporal and geographical jurisdiction of the ad hoc court and that, accordingly, the United Nations, as a matter of principle, cannot associate itself with proceedings thereunder.

Mongolia (MON/98/AH/03). Programme for strengthening national infrastructures for the promotion and protection of human rights. An evaluation mission was held in December 2000.[b]

Nepal (NEP/95/AH/21). Strengthening the administration of justice and building national human rights capacity. A final evaluation mission was conducted from 20 to 30 October 2000.[b]

Middle East, North Africa and the Gulf Region (RAB/99/AH/14). Strengthening the capacities of non-governmental organizations in the field of human rights. Training programme for human rights trainers of Arab NGOs. An evaluation mission of the project took place in Tunis from 17 to 21 September 2001. The purpose of the mission was to evaluate the activities undertaken within the project and also to take stock of the potential and good will of the Arab Institute of Human Rights, which might help in enhancing OHCHR's strategy in the Arab world.

Morocco (MOR/96/AH/20). Introducing human rights curricula in primary and secondary schools. In April, the Project Review Committee agreed to extend the project until the end of June to allow the remaining training sessions, delayed for administrative and technical reasons, to be held within the limits of the funds authorized. The last training sessions took place as scheduled. A narrative and financial report by the Government of Morocco was submitted at the end of November 2001. An evaluation mission for the project is foreseen during the period January-March 2002.

Palestine (PAL/95/AH/24). Support for the rule of law. A post-implementation evaluation mission took place in January 2001 to measure the effects of the assistance rendered so far and in response to the request of the Palestinian National Authority for an extension of a project until the end of 2001. Based on the recommendations of the evaluation mission, a new project was approved.[b]

Regional Latin America (RLA/01/AH/16). Enhancing national capacities for the promotion and protection of human rights in the Andean Region: national human rights plans of action. The Workshop on the National Human Rights Plan of Action for the Andean Region took place from 16 to 18 July 2001. A final evaluation questionnaire will be sent to participants in February 2002.

Argentina (ARG/95/AH/33). Strengthening human rights. A final evaluation mission was carried out in June 2001.[b]

Bolivia (BOL/96/AH/14). Promotion and protection of human rights. On 17 January 2001, a tripartite meeting took place. During that meeting the evolution and progress of the project was evaluated by the three parties. A final evaluation mission took place in Bolivia during July 2001.[b]

Mexico (MEX/00/AH/10). First phase of technical cooperation programme for Mexico. In August 2001, OHCHR conducted a seminar on international mechanisms for the protection of human rights for indigenous organizations that was attended by 47 participants and 15 local observers. Training seminars were held on the investigation and documentation of torture. From 27 to 31 August, the final evaluation of the project took place.[b]

Regional Europe and North America (RER/01/AH/22). International Conference on Human Rights and Democratization, Dubrovnik. The conference was held from 8 to 11 October with the participation of representatives of Governments from Europe, Central Asia and the Caucasus, the High Commissioner, the Secretary-General of the Council of Europe, the Director of the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe and senior representatives of the EU.

Albania (ALB/99/AH/19). Preparatory assistance for building sustainable capacities in human rights treaty reporting. A workshop on treaty reporting was organized under the project, with broad participation from the Government, civil society and international organizations. The Inter-ministerial Working Group responsible for the drafting of treaty reports worked on several reports including the report to the Committee on the Rights of the Child and the Committee on the Elimination of Discrimination against Women.

Armenia (ARM/95/AH/11). Strengthening capacities for the promotion and protection of human rights. An independent project evaluation mission took place from 26 November to 4 December 2000.[b]

Azerbaijan (AZE/95/AH/12). Strengthening the capacities and infrastructure for the promotion and protection of human rights. The evaluation and assessment mission took place from 28 January to 3 February 2001.[b]

Republic of Moldova (MOL/97/AH/19). Support to democratic initiatives in the field of human rights. During 2001, three expert consulting missions were conducted in March, June and October. An evaluation mission took place at the end of November.

B. Projects under implementation[c]

1. Global projects

2. Global projects under implementation:

GLO/97/AH/20. Interim measures for the integration of economic, social and cultural rights into technical cooperation practices and procedures

Date of approval by OHCHR: 20 March 1998

OHCHR contribution: US$ 67,800

Activities: Two consultants were hired from 1 November 2000 to 30 March 2001. They developed a practitioners handbook on integrating economic, social, and cultural rights into the work of national human rights commissions. Another consultant has been hired to review it and in-house consultation is under way. The publication of the handbook is expected in late 2001 or early 2002.

GLO/01/AH/21. Eliminating trafficking and protecting the rights of trafficked persons (previously GLO/99/AH/25)

Date of approval by OHCHR: 23 July 2001

OHCHR contribution: US$ 1,233,360

Activities: Project focus has been on improving international legal and policy responses to trafficking. The project has been able to point to substantial and verifiable results since its establishment in 1999 including: (i) recognition of the High Commissioner as a voice of leadership on this issue; (ii) recognition of OHCHR as one of the key anti-trafficking agencies within the United Nations system; (iii) influencing the development of international law on trafficking and migrant smuggling through its involvement in the negotiation of two protocols to the United Nations Convention against Transnational Organized Crime and, more recently, the EU Framework Decision on Trafficking. The project was revised in mid-2001 to take account of new needs and priorities. Initiatives and activities undertaken during 2001 include: establishment, by OHCHR, of the intergovernmental organization Contact Group on Human Trafficking and Migrant Smuggling; development of position papers, policy documents and reports on a range of trafficking-related issues; finalization of draft United Nations principles and guidelines on human rights and human trafficking; participation in an inter-agency/NGO initiative to develop indicators and methodologies for evaluating anti-trafficking interventions; strengthened support to OHCHR field presences. (For further information see the report of the Secretary-General on the integration of the human rights of women and the gender perspective: traffic in women and girls (E/CN.4/2002/80).)

GLO/00/AH/20. Second phase of support to the implementation of the United Nations Decade for Human Rights Education (1995-2004)

Date of approval by OHCHR: 4 April 2001

OHCHR contribution: US$ 1,938,000

Activities: The OHCHR database on human rights education and on the Universal Declaration of Human Rights (UDHR) were consolidated and updated. The OHCHR's resource collection on human rights education was expanded and the one on the Universal Declaration of Human Rights systematized. A subregional workshop on human rights education in Central Africa (March 2001) was conducted. There was substantive participation in activities organized by other institutions and organizations (for instance, provision of publications and financial support to training and education). Human rights training packages for human rights monitors, judges and lawyers, prison officials, primary and secondary school teachers, peacekeepers and parliamentarians were developed. Moreover, the publication ABC-Teaching Human Rights (human rights education for primary and secondary schools) was revised. The third phase (2001-2002) of the Assisting Communities Together (ACT) project with UNDP to assist human rights activities in local communities was launched. As part of the basic worldwide coordination of the decade, related inquiries from all actors were answered, notes verbales and letters to Governments and relevant organizations to collect information on their contribution were mailed and the High Commissioner's reports to the General Assembly (July 2001) and the Commission on Human Rights were prepared. Further information on human rights education activities under the Decade is included in the report of the High Commissioner to the Commission (E/CN.4/2002/104).

GLO/01/AH/07. Strategy for strengthening the capacity of OHCHR to support United Nations country teams to integrate human rights in development

Date of approval by OHCHR: 20 March 2001

OHCHR contribution: US$ 113,150

Activities: Two consultants prepared the evaluation study under the project. An internal OHCHR task force was set up to provide substantive and technical support to the two consultants; the task force held its first meetings to prepare for the visit of the consultants to Geneva. The consultants made an initial visit to Geneva and had meetings with OHCHR staff on the interaction with United Nations country teams (UNCTs) and experience with human rights mainstreaming. In October the first country visits were undertaken to Nepal and the United Republic of Tanzania to meet with UNCTs and individual United Nations agencies; heads of

human rights field presences were consulted during the annual meeting of OHCHR field presences on 15 and 16 October. In November, other country visits were undertaken to Colombia on (15-16 November) and Nicaragua (12-13 November), as well as a mission to New York to visit with agencies' headquarters and the secretariat of the United Nations Development Group (UNDG) (19-20 November). By mid-December, the consultants had finished preparing the study, which will be reviewed by the Office and circulated in preparation for the workshop to be held in January 2002.

GLO/01/AH/31. National institutions web site development

Date of approval by OHCHR: 16 November 2001

OHCHR contribution: US$ 123,200

Activities: The project is currently in its start-up phase. In late November, the High Commissioner went to Copenhagen for the launching of the web site.

2. African region

3. The following national projects are under implementation in the African region:

Chad CHD/98/AH/19. Projet intérimaire pour le renforcement des droits de l'homme et de la gouvernance

Date of approval by OHCHR: 24 February 2000

Date of approval by UNDP: 29 March 2000

OHCHR contribution: US$ 221,285

Activities: Establishment of the documentation centre. Following a decision by the Chadian authorities, it was decided to set up two separate documentation centres, at the Constitutional Council and at the Supreme Court. Owing to the lack of adequate office space, the effective opening of the documentation centres was delayed. Initial measures have been taken for the setting up of the centres: some publications have already been delivered. A workshop on treaty reporting took place from 12 to 16 November 2001. The evaluation of the project will be undertaken by a joint OHCHR-UNDP mission in early 2002.

Congo
PRC/01/AH/25. Renforcement des capacités dans le domaine de la promotion et de la protection des droits de l'homme en République du Congo

Date of approval by OHCHR: 5 October 2001

OHCHR contribution: US$ 145,500

Activities: The project is in its start-up phase.

Guinea-Bissau
GBS/01/AH/26. Soutien au renforcement des capacités nationales en matière de droits de l'homme en Guinée-Bissau

Approval by OHCHR: December 2001

OHCHR contribution: US$ 74,258

Activities: The project is in its start-up phase.

Mauritania
MAU/00/AH/11. Renforcement des capacités du Commissariat aux droits de l'homme, à la lutte contre la pauvreté et à l'insertion, dans le domaine des droits de l'homme en vue de l'élaboration d'un plan national d'action

Date of approval by OHCHR: 3 August 2001

Implementing agency: OHCHR/UNDP

OHCHR contribution: US$ 79,213

Activities: The project is in its start-up phase. The recruitment of the international consultant is under way in order for him/her to be deployed before the end of the year.

Sierra Leone
SIL/97/AH/23. Strengthening grass-roots human rights education initiatives

Approval by OHCHR:	November 1998
Implementing agency:	Human Rights Unit of the United Nations Mission in Sierra Leone (UNAMSIL)
OHCHR contribution:	US$ 84,980

Activities: Project activities recommenced in late 2001 after disruption by the events of January 1999 when rebel forces of the Revolutionary United Front (RUF) attacked Freetown. The report is pending.

Sierra Leone
SIL/00/AH/02. Support to the preparatory phase of the Sierra Leone Truth and Reconciliation Commission (TRC)

Date of approval by OHCHR:	9 May 2000; revision approved in March 2001
Implementing agency:	OHCHR, UNAMSIL and NGOs
OHCHR contribution:	US$ 888,844

Activities: Grant agreements were concluded with Manifesto 99, a local NGO, to research the traditional methods of reconciliation and with the International Human Rights Law Group to design and implement, in collaboration with local civil society groups, a comprehensive public awareness campaign concerning the TRC. Other activities to raise awareness were organized by UNAMSIL in the rural areas (including RUF-held areas) as well as workshops in Bombali, Kono and Koinandugu districts. OHCHR and UNAMSIL collaborated with UNICEF in organizing an expert meeting on the TRC and children in June 2001 in Freetown. They also organized an operational and management seminar on the TRC from 29 May to 1 June 2001 to explore the methodologies of work, the organizational structure and the budget of the TRC as well as to review the issues involved in the relationship between the Commission and the Independent Special Court. The selection of international commissioners has reached an advanced stage. Interviews have been scheduled to begin on 17 November 2001. UNAMSIL, in collaboration with OHCHR, has been organizing sensitization workshops. Some materials, including an illustrative information leaflet and a booklet of 20 questions and answers about the TRC, have been published. UNAMSIL runs weekly radio programmes and has distributed T-shirts, stickers and banners. Since March 2001, the TRC Working Group has published a monthly "Truth Bulletin" that gives updates on preparations for the TRC and also includes commentary and

analytical articles. The Working Group has also established a regional structure and has conducted numerous training sessions and workshops. During August and September 2001, the National Forum for Human Rights held a series of TRC sensitization workshops throughout the country for paramount chiefs and other traditional rulers. OHCHR has developed a project to support an interim-secretariat for the TRC (SIL/01/AH/24).

Sierra Leone
SIL/01/AH/24. Interim secretariat for the Sierra Leone Truth and Reconciliation Commission

Date of approval by OHCHR: 28 September 2001

OHCHR contribution: US$ 751,100

Activities: The project is currently in its start-up phase. OHCHR is working closely with the Government towards the establishment of the interim secretariat.

Somalia
SOM/00/AH/17. Senior Human Rights Adviser for human rights mainstreaming/UNDP Somali Civil Protection Programme

Date of approval by OHCHR: 27 December 2000

Implementing agency: UNDP-Somalia

OHCHR contribution: US$ 387,251

Activities: In May, OHCHR Somalia observed the constitutional referendum and undertook a mission to "Somaliland" to perform an evaluation of the implementation of the judiciary and law-enforcement components of the UNDP Somali Civil Protection Programme (SCPP). The findings of the evaluation mission informed the Office's action plan regarding the human rights components of the SCPP and on that basis UNDP decided to set up a review committee to assess the entire programme. The "Somaliland" authorities detained individuals who had participated in the Somali National Reconciliation Conference the year before. At the request of OHCHR Somalia, the Resident and Humanitarian Coordinator raised this issue with the authorities. This led to the release of the detainees. In June, in collaboration with DIAKONIA (a Swedish NGO implementing the SCPP in Puntland), a two-week training workshop for judges, lawyers, the Attorney-General's Office and the senior law-enforcement officers was organized. Under the supervision of the Human Rights Adviser, the United Nations Volunteer working with the human rights strengthening (HURIST) programme undertook a mission to Puntland focusing on strengthening DIAKONIA's work regarding women's rights and the rights of the child (incorporated in DIAKONIA's action plan). The Human Rights Adviser undertook an

evaluation mission to Puntland to assess the situation of the region's prisons. In July, a week long workshop was organized in Hargeisa regarding the agenda of the World Conference against Racism and the UNDP Human Development Report. A position paper on addressing past human rights violations in Somalia was prepared; it is now pending before the Security Council. In August, a police training curriculum for DIAKONIA was prepared and three OHCHR training manuals have been translated into Somali. A training curriculum for paralegals was prepared in accordance with the OHCHR-DIAKONIA memorandum of understanding. A concept paper on the establishment of a bar association in Puntland was also prepared. In September, OHCHR Somalia prepared a document on how to lay the groundwork for future activities regarding past human rights violations in Somalia.

Sudan
SUD/00/AH/12. Assistance to Sudan in the field of human rights

Date of approval by OHCHR: 5 October 2000

OHCHR contribution: US$ 179,100

Activities: The Human Rights Adviser was deployed in April 2001. In November, the Project Review Committee accepted a revised extension of the project until March 2002, which will include three training sessions: for the police, security forces and military; for NGOs; and on reporting obligations.

3. Asian and Pacific region

4. The following regional projects are under implementation in the Asian-Pacific region:

RAS/01/AH/14. Promotion and Protection of human rights in the Asian-Pacific region: Regional Human Rights Adviser

Date of approval by OHCHR: 23 July 2001

Implementing agency: OHCHR

OHCHR contribution: US$ 251,425

Activities: The project is currently in its start-up phase. The Regional Adviser has been appointed. Activities will start in 2002.

RAS/01/AH/36. OHCHR/Asia Pacific Forum: cooperating to establish and strengthen national human rights institutions

Date of approval by OHCHR: 20 November 2001

OHCHR contribution: US$ 494,900

Activities: The project is in its start-up phase.

5. The following national projects are under implementation in the Asian-Pacific region:

East Timor
ETI/01/AH/02. Programme for strengthening national infrastructure for the promotion and protection of human rights in East Timor

Date of approval by OHCHR: 26 March 2001

Implementing agency: United Nations Transitional Administration in East Timor (UNTAET)

OHCHR contribution: US$ 200,123

Activities: A training course for East Timorese and international professionals in the Human Rights Unit and East Timorese human rights NGOs was held in May 2001. A training course for East Timorese police and civilian police (CIVPOL) was held in June 2001. A training course for East Timorese judges, prosecutors and public defenders, in cooperation with the International Bar Association, was held in November 2001. Technical assistance continues to be given to the Commission on Reception, Truth and Reconciliation. Legal advice and assistance are provided to ensure that draft legislation is in accordance with international human rights standards. International human rights training materials and standards have been translated and disseminated. A consultant was engaged with respect to the bill of rights in November and the evaluation mission will take place in January 2002.

Mongolia
MON/01/AH/35. Capacity development of the National Human Rights Commission of Mongolia

Date of approval by OHCHR: 21 November 2001

Implementing agencies: UNDP and OHCHR

OHCHR contribution: US$ 339,200

Activities: The project is in its start-up phase. The project aims through a number of initiatives to strengthen the capacity of the recently established Human Rights Commission of Mongolia. This project is a joint OHCHR-UNDP initiative.

Philippines
PHI/96/AH/23. Protecting the rights of children in conflict with the law

Date of approval by OHCHR: 2 December 1999

Implementing agencies: OHCHR and UNICEF

OHCHR contribution: US$ 410,990

Activities: The project is a joint project with UNICEF. It is being carried out through 18 local partners. During the year 2001: an OHCHR monitoring mission took place in July 2001, the juvenile justice bill has been re-tabled in Congress and the orientation seminar for staff of the House of Representatives was repeated in September. The following training activities have been undertaken: (i) training of trainers for the police and the corrections officers; (ii) training for police officers servicing child and women desks in various provincial departments; (iii) regional intersectoral training for the newly created family courts and specific training for social workers working in those courts. With the support of the project, the Manila Youth Reception Centre has finalized a comprehensive operations manual. A study on harmonizing Philippine law with international standards on juvenile justice was undertaken by the University of the Philippines.

Solomon Islands
SOL/01/AH/11. Human rights support to the peace process in the Solomon Islands

Date of approval by OHCHR: 8 May 2001

Implementing agency: OHCHR

OHCHR contribution: US$ 199,600

Activities: Since June the following activities have taken place: (i) human rights training for the Royal Solomon Islands Police, facilitated by the international expert; (ii) human rights advice to the constitutional reform process, facilitated by the international expert; (iii) an international Human Rights Adviser has been recruited to be posted in Honiara, the capital of the Solomon Islands, for six months.

4. Region of the Middle East, North Africa and the Gulf

6. The following regional projects are under implementation in the region of the Middle East, North Africa and the Gulf.

RAB/01/AH/15. Strengthening capacities of Arab non-governmental organizations in the field of human rights

Date of approval by OHCHR: 29 June 2001

Implementing agency: OHCHR

OHCHR contribution: US$ 521,400

Activities: The project is currently in its start-up phase. All OHCHR technical cooperation activities with the region have been regrouped under a single desk. A number of professionals have been assigned to work within the Team and the post of Regional Coordinator for the Team has been filled. The Human Rights Regional Adviser will be posted to Beirut.

7. The following national projects are under implementation in the region:

Morocco MOR/98/AH/08. Centre de documentation, d'information et de formation en matière de droits de l'homme

Date of approval by OHCHR: 6 April 1999

OHCHR contribution: US$ 480,000

Activities: The Centre organized a training seminar for 40 NGO leaders during the first week of January 2001 and another training seminar for 40 prison directors during the last week of the month. The Director of the Centre also conducted a number of consultations with representatives of NGOs in order to finalize the composition of the *Conseil technique*, which held its first meeting in May 2001 and a second meeting on 15 November 2001. Two other training seminars took place: the first one from 19 to 21 October 2001, for magistrates and lawyers, focused on the issue of international instruments and internal Moroccan law; the second seminar was organized for NGO leaders and government officials from 1 to 3 November 2001 on international human rights protection mechanisms. In addition, the Centre issued four publications. One is a promotional leaflet in Arabic and French on the Centre and its initial activities. Another one compiles in French and Arabic all international human rights instruments ratified by Morocco. A third publication presents the minimum standards applicable to the treatment of detainees, and the last one focuses on the new penitentiary legislation. The last two publications have been issued in Arabic. Towards the end of 2001, another set of publications

was made available on various issues related to the independence of magistrates and periodic reports to be submitted to treaty bodies, the Universal Declaration of Human Rights, the Convention on the Rights of the Child, and an information bulletin of the Centre. In addition, the Centre established during the first part of 2001 a web site presenting its mission, objectives, main activities, etc. and took part in several broadcasts in Arabic and French organized by the national radio.

Palestine
PAL/01/AH/09. Support for the rule of law
(previously PAL/95/AH/24)

Date of approval by OHCHR: 10 May 2001

Implementing agency: OHCHR

OHCHR contribution: US$ 679,215

Activities: In June, two one-week courses on human rights and prisons were held in Gaza City for over 40 prison guards. In August, a similar one-week course was held in Ramallah for 10 prison guards. OHCHR also supported the development of guidelines on arrest and detention and the use of force and firearms for the Palestinian Police, which were then adopted by the Higher Security Council of the Palestinian National Authority (PNA). In November, two three-day introductory courses on human rights, held on the West Bank and in the Gaza Strip, were conducted for 39 staff members of the Palestinian Legislative Council (PLC). The work of three NGOs was supported. Books and other information materials on human rights were provided to the PLC for its library. OHCHR staff also participated as trainers in activities organized by the PNA, the Palestinian Independent Commission for Citizens' Rights (PICCR) and NGOs. During the year 2001, OHCHR staff regularly reported to Geneva on the political and human rights situation in the occupied Palestinian territories and assisted with visits of the Special Rapporteur and the Commission of Inquiry.

Yemen
YEM/00/AH/21. Strengthening capacities and infrastructures for the promotion and protection of human rights in Yemen: the rights of children in conflict with the law

Date of approval by OHCHR: 10 May 2001

Implementing agency: OHCHR

OHCHR contribution: US$ 679,215

Activities: An international Human Rights Adviser was recruited and posted in July. A workshop on human rights awareness raising for parliamentarians was organized in December 2001. A compilation of international instruments and documents relating to the administration of juvenile justice was compiled and published.

5. Latin American and Caribbean region

8. The following regional projects are under implementation in the Latin America and Caribbean region.

RLA/99/AH/06. Strengthening the rule of law and promotion of human rights in the Andean Region

Date of approval by OHCHR: 4 April 2001

Implementing agency: Andean Commission of Jurists

OHCHR contribution: US$ 199,844

Activities: Since May relevant information on the constitutional jurisprudence and legislation on human rights was analysed, systematized and included in the project database and also spread to the beneficiaries of the project. A seminar on jurisprudence on human rights for 400 law students was organized with the University of César Vallejo in Peru. A regional workshop for 31 law professors was conducted in Bolivia. One thousand booklets and 500 CDs with information on human rights and the legislation of the Andean Region were produced and distributed to the beneficiaries of the project in Bolivia, Ecuador and Colombia. A forum for the Ombudsmen of the Andean Region took place in Santiago de Chile in October. In the framework of this project, the National Institutions Team of OHCHR conducted an assessment mission to Chile in October. A workshop for the law schools of the Andean Region was conducted in November.

RLA/01/AH/17. OHCHR/UNESCO Regional Conference on Human Rights Education in Latin America and the Caribbean

Date of approval by OHCHR: 28 August 2001

Implementing agencies: OHCHR and UNESCO

OHCHR contribution: US$ 136,400

Activities: In October 2001, the Latin American Seminar on Education for Peace and Human Rights was organized in Caracas by the Red Latinoamericana de Educación para la Paz y los Derechos Humanos (Latin American Network of Education for Peace and Human Rights) and sponsored by the Government of Venezuela. It brought together representatives of more than 50 NGOs from the region, mainly belonging to the Network, and produced, inter alia, a Latin American strategy to promote human rights education at the national, regional and international levels. It submitted a report to the Regional Conference on Human Rights Education in Latin America and the Caribbean that took place from 28 November to 1 December 2001 with the main aim of obtaining an overview of the current state of human rights education in the region and of elaborating and adopting a Latin American and Caribbean Strategy for Human Rights Education, with concrete recommendations concerning the development, and especially the implementation, of national and regional strategies.

RLA/01/AH/02. Promotion and protection of human rights in the Latin American and the Caribbean region

Date of approval by OHCHR:	29 June 2001
Implementing agencies:	OHCHR, United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders (ILANUD), UNDP, United Nations Economic Commission for Latin America and the Carribean (ECLAC), Inter-American Institute of Human Rights (IIHR) and Centre for Legal and Social Studies (Argentina) (CELS)
OHCHR contribution:	US$ 649,776

Activities: Two workshops were held from 22 to 27 October: (i) application of international human rights norms by domestic courts and tribunals; and (ii) the elaboration of strategies for the promotion and protection of economic, social and cultural rights. The Regional Human Rights Adviser has been posted and the project on domestic violence, implemented in collaboration with ILANUD, has been initiated. A seminar on human rights and disability for the personnel of the Ombudsman's Office was held in Lima, from 5 to 7 December 2001. The seminar was organized by OHCHR in cooperation with ILANUD and the Ombudsman's Office of Peru.

9. The following national projects are under implementation in the Latin American and Caribbean region:

Ecuador ECU/99/AH/17. Strengthening national capacities through the implementation of the Human Rights National Plan of Action in Ecuador

Date of approval by OHCHR: 30 November 1999

Implementing agencies: UNDP-Ecuador and OHCHR

OHCHR contribution: US$ 664,327

Activities: Two monitoring missions took place in March and November 2001 to review the implementation of the various components of the project with the Government of Ecuador, the National Steering Committee, the beneficiaries of the project and OHCHR. In this regard, under component 1 (Support of the Human Rights National Plan of Action in Ecuador), OHCHR assisted the meetings of the Permanent Follow-up Commission of the National Human Rights Plan and also provided technical and advisory support to the thematic commissions of the Plan. Under component 2 (Advisory services and legislative reform), four national consultants have been assisting various commissions of the Congress of Ecuador. The project also provided computers to various commissions of the Congress and to the Human Rights Directorate of the Ministry for Foreign Affairs. Under component 3 (Strengthening of the Ombudsman's Office (Defensoría del Pueblo)), a national survey was organized to evaluate the knowledge of human rights of the current staff of the Ombudsman's Office. Three UNVs were assisting the work of the Defensoría and various seminars and training workshops were carried out in the capital and in the interior of the country. Three missions were carried out by an international consultant (main adviser to the Defensoría) to support the mandate of the Ombudsman's Office. Component 4 of the project (Education and training activities) benefited from the expertise of four national consultants and the national consultant on education. In this regard, training activities were undertaken for governmental officials. The project also included work on the revision of the curricula of academic institutions to include human rights and raised awareness on human rights throughout Ecuador. A second National Conference on Education was organized in Guayaquil.

Guatemala
GUA/01/AH/10. Strengthening national capacities in the field of human rights in Guatemala

Date of approval by OHCHR: 1 August 2001

Implementing agency: OHCHR

OHCHR contribution: US$ 197,623

Activities: The staff was recruited and activities began on 19 November 2001. During the months of November and December the project staff initiated contacts with counterparts and prepared detailed work plans. The desk officer travelled to Guatemala in December for an initial review mission.

Haiti
HAI/01/AH/18. Assistance to Haiti in the field of human rights

Date of approval by OHCHR: 7 August 2001

Implementing agencies: UNDP and OHCHR

OHCHR contribution: US$ 75,700

Activities: The project is currently in its start-up phase. The Human Rights Adviser arrived in Port-au-Prince on 2 November 2001. During November and December 2001, the project provided relevant assistance to the United Nations system on human rights issues. The Human Rights Adviser will follow up developments in the human rights situation in Haiti and will initiate the conduct of the needs assessment for technical cooperation in the field of human rights. In the framework of the transition programme following the International Civilian Support Mission in Haiti (MICAH), the Human Rights Adviser will provide assistance to UNDP on human rights issues.

Nicaragua
NIC/98/AH/14. Right to security: preventive police-community and human rights actions

Date of approval by OHCHR: 2 September 1999

Implementing agency: OHCHR

OHCHR contribution: US$ 613,983

Activities: Two consultancies were conducted on the rights of people deprived of their liberty and the development of a police-community strategy model. More than 32 seminars on police-community relations were held throughout the country with all levels of the police and local civil organizations, resulting in the adoption of the above-mentioned model. As a result of these activities a special unit was created within the police department to deal with the development of community policing strategies. In general, the implementation of the activities suffered a slowdown owing to the tense political climate in connection with the elections. However, a new study on gender equality within the police forces was initiated, and two new consultancies are being started with the objective of developing police-community strategies for the indigenous communities of the Atlantic Coast, and to improve the police handling of intra-family violence.

6. European and North American region

10. The following national projects are under implementation in the European and North American region:

Azerbaijan AZE/01/AH/23. Strengthening capacities and infrastructure for the promotion and protection of human rights

Date of approval by OHCHR: 4 July 2001

Implementing agency: Ministry of Justice of Azerbaijan

OHCHR contribution: US$ 219,800

Activities: The project is in its start-up phase. The international project coordinator was posted to Baku in early December 2001.

Georgia GEO/95/AH/13. Strengthening capacities and infrastructures for the promotion and protection of human rights

Date of approval by OHCHR: 8 October 1997

Implementing agency: Ministry for Foreign Affairs/Georgian Young Lawyers' Association (GYLA)/Human Rights Office in Abkhazia, Georgia (HROAG)

OHCHR contribution: US$ 715,397

Activities: The following activities have been implemented by GYLA: a follow-up training course for university professors in January; a follow-up training course for journalists in Gudauri, Georgia from 17 to 20 July 2001; a follow-up course for NGOs and one for judges and lawyers, both focusing on economic, social and cultural rights, in December. The following activities have been implemented by HROAG: a follow-up training course for university professors in April, a follow-up training course for NGOs in Abkhazia from 27 June to 1 July 2001, a follow-up training course for journalists in Abkhazia from 5 to 9 September 2001 and one for law enforcement officials in December.

Georgia
GEO/98/AH/22. Capacity development of the Public Defenders Office

Date of approval by OHCHR: 22 March 1999

OHCHR contribution: US$ 57,500

Activities: In early July 2001 the Special Adviser to the High Commissioner on national institutions participated in a training workshop with the Public Defender, working with prosecutors for the various regions in relation to human rights and their responsibilities. The training provided an opportunity to cooperate with the various project partners, including the Raoul Wallenberg Institute (Sweden) and the Council of Europe. The Special Adviser maintains regular contact with the Chief Technical Adviser to the project and the other partners. Project implementation has been slower than anticipated owing to the present political context.

The former Yugoslav Republic of Macedonia
MAC/99/AH/18. Human rights education in primary and secondary schools

Date of approval by OHCHR: 2 May 2000, extended on 20 November 2001

OHCHR contribution: US$ 130,500

Activities The implementation partners have been identified but, owing to the worsening of the security situation, the project was on hold until October 2001. It is currently under joint review with the Government, with implementation expected beginning in December.

Russian Federation
RUS/97/AH/03. Human rights education capacity development

Date of approval by OHCHR: 18 June 1999

Implementing agency: National NGO

OHCHR contribution: US$ 3,683,686

Activities: The Project Executive Committee met on 29 September 2000, 13 March 2001 and 16 November 2001 in Moscow, and on 24 April 2001 in Geneva. The meetings on 13 March and 16 November 2001 were attended by participants from across Russia and representatives of the Ministry of Education, UNICEF and the Ministry for Foreign Affairs.

Mini-libraries for human rights commissions were distributed at the end of November. A page is published monthly in the nationwide Teachers' Newspaper that includes information on project activities and other human rights education-related areas. On 10 December the page will include an article by the High Commissioner. Three regional student competitions were started in Voronezh, Krasnoyarsk and Ekaterinburg, with the deadline for receipt of entries at the end of 2001. In 2001, there were 16 training seminars held for teachers organized by regional focal point organizations: in April - Voronezh; in May - Krasnoyarsk, Rostov on the Don, Nizhnii Novgorod and Moscow; in June - Voronezh and Ekaterinburg; in September - Voronezh; in October - Krasnoyarsk; in November - Ekaterinburg, Ryazan and Moscow; in December - Krasnoyarsk and Voronezh. On 15 November, in Moscow, a round-table discussion was held on the development of the Human Rights Educators Network, in which ten network partner organizations took part from across Russia. On 16 November the project Web site was opened. It includes information (in Russian) about the project and about human rights education generally. Methodological materials for human rights education in pedagogical universities were published throughout the year.

Russian Federation RUS/01/AH/13. Human rights education in Russia: experience from the past, lessons for the future

Date of approval by OHCHR: 21 May 2001

OHCHR contribution: US$ 507,415

Activities: Mini-libraries for human rights commissions were sent at the end of November. A monthly publication covers the activities of the project in the nationwide newspaper, The Teachers' Newspaper. Three regional student competitions took place in Voronezh. Eleven teachers seminars were held (in Moscow, Krasnoyarsk, Ekaterinburg and Voronezh). On 15 November there was a round table on the development of the Human Rights Educators Network, including the opening of the web site. Two teachers' seminars were held (3-7 November and 7-11 December) near Moscow. The Executive Committee and the Project Advisory Committee met on 16 November, with the participation of the Ford Foundation, the European Commission and the Henrich Boell Foundation. A seminar for exhibition centres was held from 15 to 16 December in Ryazan

C. New requests received

11. The following national request for technical cooperation has been received from the African region:

Burkina Faso. Technical cooperation.

12. The following national request for technical cooperation has been received from the Asian and Pacific region:

China. Technical cooperation

East Timor. Technical cooperation

Mongolia. Technical cooperation

13. The following national request for technical cooperation has been received from the region of the Middle East, North Africa and the Gulf:

Bahrain. Request for a workshop for the members of the Consultative Council of Bahrain.

14. The following national requests for technical cooperation have been received from the Latin American and Caribbean region:

Argentina. Request for a memorandum of understanding (MOU)

Brazil. Technical cooperation

Costa Rica. Technical cooperation

Guatemala. Technical cooperation

El Salvador. Technical cooperation

Mexico. Request for the second phase of technical cooperation

Nicaragua. Technical cooperation

Peru. Seminar on National Plan of Action (March) and Truth Commission (July)

St. Kitts (informal request). Technical cooperation

Uruguay. Technical cooperation

Venezuela. Technical cooperation

Chile. Technical cooperation.

Notes

[a] Detailed information on OHCHR's technical cooperation activities in the field of human rights is available from the OHCHR web site (http://www.unhchr.ch), i.e. the status reports on technical cooperation in the field of human rights, the status reports on contributions to the Voluntary Fund for Technical Cooperation in the Field of Human Rights; reports of the sessions of the Board of Trustees of the Voluntary Fund for Technical Cooperation in the Field of Human Rights; the compilation of project fact sheets, monthly, quarterly and six-monthly reports of field presences; and separate reports of all seminars, training activities and workshops.

[b] Report available in the files of the secretariat of the Voluntary Fund for Technical Cooperation in the Field of Human Rights.

[c] All projects are funded from the Voluntary Fund for Technical Cooperation in the Field of Human Rights, unless otherwise indicated. The OHCHR contributions mentioned are for the entire project, while activities reported only refer to the year 2001.

Annex II

BALANCE SHEET FOR THE VOLUNTARY FUND FOR TECHNICAL COOPERATION

as of 30 November 2001

1.	Income	
	Opening balance 1 January 2000	9 038 367
	Total income received 1 January 2000 - 31 October 2001	13 097 328
	TOTAL INCOME	22 135 695
2.	Commitments	
	Total expenditures (obligated + disbursed) as of 30 November 2001	10 357 368
	13% programme support	1 346 458
	TOTAL COMMITMENTS	11 703 826
3.	Reserve for allocations to UNDP/UNOPS	1 487 261
4.	Operating cash reserve	714 358
5.	Balance as of 30 November 2001	8 230 250

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/2002/117
27 December 2001

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Fifty-eighth session
Item 19 of the provisional agenda

ADVISORY SERVICES AND TECHNICAL COOPERATION IN THE FIELD OF HUMAN RIGHTS

Situation of human rights in Cambodia

Role and achievements of the Office of the United Nations High Commissioner for Human Rights in assisting the Government and people of Cambodia in the promotion and protection of human rights

Report of the Secretary-General

GE.01-16507 (E) 280102

CONTENTS

	Paragraphs	Page
Introduction	1 - 4	3
I. Assistance to the Special Representative of the Secretary-General for human rights in Cambodia	5 - 6	3
II. Role of the United Nations High Commissioner for Human Rights in assisting the Government and people of Cambodia in the promotion and protection of human rights	7- 68	4
A. Memorandum of understanding between OHCHR and the Government of Cambodia for the implementation of a technical cooperation programme on human rights	7 - 9	4
B. Protection of human rights	10 - 12	4
C. Activities of OHCHR/Cambodia in the technical cooperation programme	13 - 58	5
D. Preparation for Commune Council elections	59 - 61	12
E. Coordination with the United Nations system and donors	62 - 65	13
F. OHCHR/Cambodia staff	66 - 68	13

Introduction

1. The Office of the United Nations High Commissioner for Human Rights in Cambodia (OHCHR/Cambodia) was established pursuant to resolution 1993/6 of the Commission on Human Rights that entrusted the Office with the mandate to carry out the following activities:

(a) To manage the implementation of education and technical assistance and advisory services programmes and ensure their continuation;

(b) To assist the Government of Cambodia, established after the election, at its request, in meeting its obligations under human rights instruments to which it had recently adhered, including the preparation of reports to the relevant treaty monitoring bodies;

(c) To provide support to bona fide human rights groups in Cambodia;

(d) To contribute to the creation and/or strengthening of national institutions for the promotion and protection of human rights;

(e) To continue to assist with the drafting and implementation of legislation to promote and protect human rights;

(f) To continue to assist with the training of persons responsible for the administration of justice.

2. OHCHR/Cambodia also assists the Special Representative of the Secretary-General for human rights in Cambodia in the discharge of his/her functions. In subsequent resolutions, the Commission on Human Rights and the General Assembly requested the Secretary-General, through his Special Representative for human rights in Cambodia, in collaboration with OHCHR/Cambodia, to assist the Government of Cambodia in ensuring the protection of the human rights of all people in Cambodia.

3. The period under review in the present report is July to November 2001. Activities carried out by OHCHR/Cambodia between December 2000 and June 2001 were reported to the fifty-sixth session of the General Assembly (A/56/230).

4. The present report has been prepared pursuant to Commission resolution 2001/82.

I. ASSISTANCE TO THE SPECIAL REPRESENTATIVE OF THE SECRETARY-GENERAL FOR HUMAN RIGHTS IN CAMBODIA

5. Cambodia provided assistance to the Special Representative, Peter Leuprecht, in carrying out the mandate entrusted to him by the Commission in resolution 1993/6 and subsequent resolutions. The Special Representative's mandate comprises the following three tasks: (a) to maintain contact with the Government and people of Cambodia; (b) to guide and coordinate the United Nations human rights presence in Cambodia; and (c) to assist the Government in the promotion and protection of human rights.

6. OHCHR/Cambodia facilitated the Special Representative's fourth mission to Cambodia, which took place from 18 to 28 November 2001. The Special Representative was informed of the latest issues of human rights concern, in particular in the areas of judicial reform, the Commune Council election scheduled to take place on 3 February 2002, and the right to education. During the period under review, the Special Representative was regularly provided with information on cases of human rights violations, including cases of police violence, land disputes and labour rights, which he had brought to the Government's attention during his previous visits. The Special Representative will report to the fifty-eighth session of the Commission on Human Rights on the findings of his fourth mission.

II. ROLE OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS IN ASSISTING THE GOVERNMENT AND PEOPLE OF CAMBODIA IN THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

A. Memorandum of understanding between OHCHR and the Government of Cambodia for the implementation of a technical cooperation programme on human rights

7. The previous memorandum of understanding (MoU) between the Government of Cambodia and OHCHR expired on 28 February 2000. As the Commission on Human Rights and the General Assembly had been informed, the Government had verbally agreed to the extension of the MoU in order to enable the Office to continue its operations and programmes.

8. In resolution 2001/82, the Commission requested the Government of Cambodia and OHCHR to sign the MoU without further delay, noted with regret the delays thus far encountered in the process, and encouraged the Government of Cambodia to continue to cooperate with the Office.

9. At the time of the writing of this report, the MoU had not yet been signed.

B. Protection of human rights

10. Under the auspices of the Special Representative, the Office continued to monitor the human rights situation throughout the country and to investigate, through Phnom Penh and provincial offices, individual cases of alleged violations of human rights. It received and acted upon a wide range of reports of violations of human rights, including cases of police violence, trafficking in children and women, other violations of women's rights, forced evictions, as well as intimidation and violence in connection with the upcoming Commune Council elections.

11. In assisting the Special Representative, the Office continued to monitor prison conditions. Lack of access to clean drinking water, inadequate nutrition and medical assistance, and the failure to separate minors from adults or those accused from convicted prisoners continue to be issues of concern. The Office received a number of cases of detainees who were not legally represented in court owing to a shortage of lawyers, or were tried in absentia owing to lack of

transportation to take them to court. Lawyers and families of detainees accused of terrorism and organized crime often had difficulties in meeting them. Reports of arbitrary arrest and detention, torture and ill-treatment were also received and acted upon.

12. The Office regularly brought the Special Representative's concerns to the attention of the authorities and requested their intervention. From members of the judiciary, the Office requested the initiation of legal proceedings against alleged offenders. The Office also participated in some trials as an observer. In a number of cases, the Office provided and facilitated medical, legal and other forms of assistance to victims.

C. Activities of OHCHR/Cambodia in the technical cooperation programme

1. Assistance in the drafting and implementation of legislation to promote and protect human rights

13. OHCHR/Cambodia continued to provide legal advice and training to the legislative, executive and judicial bodies, as well as to non-governmental organizations (NGOs), involved in the law-making process. The aims of these activities are to promote a participatory law-making process, improve the technical quality of draft laws, and ensure that adopted laws are in accordance with international human rights standards.

14. During the period under review, OHCHR/Cambodia provided advice to the Government, National Assembly and Senate on a number of legislative initiatives, including the draft penal code, the domestic violence law, the law on protection and control of HIV/AIDS, the subdecree on the press, National Election Committee regulations, proposed amendments to the criminal procedure law and proposed amendments to the 1992 criminal provisions of the United Nations Transitional Authority in Cambodia (UNTAC).

15. OHCHR/Cambodia facilitated and participated in working groups organized by NGOs to promote the participation of civil society in the law-making process. The Office organized weekly meetings with various NGOs to review the draft penal code. The Office also had meetings with Cambodia's media associations and human rights organizations to assist them in the preparation of comments on the draft subdecree on the press. The comments on these two draft legal provisions were submitted to the relevant ministries.

16. Twenty-five persons from the National Assembly, the Senate, various Ministries and NGOs participated in a 45-hour training course on legislation drafting. In addition, 19 persons participated in an advanced training programme organized for those who had completed last year's course. A Practical Guide to Legislative Drafting was printed and will be distributed to various actors in the law-making process.

17. OHCHR/Cambodia developed and printed in Khmer a third compilation of laws in force in Cambodia. Two thousand copies of the compilation were distributed to courts, government offices, parliament and NGOs.

18. OHCHR/Cambodia participated in discussions with government officials, representatives of the judiciary, NGOs and the international community in order to promote and share ideas for judicial reform.

2. Creation of national institutions and strengthening other government bodies for the promotion and protection of human rights

19. OHCHR/Cambodia works closely with and provides assistance to a number of national institutions with human rights responsibilities. The main institutions are the Commissions on Human Rights and Reception of Complaints and the Legislative Commissions of the National Assembly and the Senate, the Supreme Council of Magistracy, the courts, the Office of the Prosecutor General, the Inter-Ministerial Committee on the Preparation of Human Rights Reports to the United Nations, the Governmental Cambodian Human Rights Committee, the Land Disputes Settlement Commission, the Cambodian National Police, the Royal Cambodian Armed Forces, the Royal Gendarmerie, the Prison Department, the Ministry of Justice, the Ministry of Women and Veterans' Affairs, and NGOs. Specific activities implemented in cooperation with these institutions are mentioned in this report.

3. Capacity-building and training for government officials in the administration of justice and other human rights issues

20. OHCHR/Cambodia continued its activities to enhance the capacity of governmental institutions to promote and protect human rights, through increased understanding and application of human rights standards.

Royal Cambodian Armed Forces (RCAF) and Royal Gendarmerie

21. In cooperation with the RCAF, OHCHR/Cambodia organized, in August 2001, a three-day national "Workshop on Human Rights Training for the Royal Cambodian Armed Forces" to review the training conducted by OHCHR/Cambodia and OHCHR-trained instructors between 1995 and 2001. A report summarizing the training conducted and supported by OHCHR/Cambodia since 1995 was produced. Approximately 35,500 officers and soldiers were trained during this period under the Human Rights Awareness Programme. The workshop was attended by RCAF instructors, regional commanders, representatives of military schools, and those NGOs involved in the training of security forces personnel. The purpose of the workshop was to assess the training activities carried out between 1995 and 2001; review the training materials used and identify needs for revision or new drafting; and discuss options for carrying out human rights training at the Military Institute and military schools on a sustained basis. Follow-up steps were agreed upon with the RCAF Training Directorate for the next phase of training. Based on a review of the geographic areas where the training had been conducted, of the RCAF members reached by it and of the remaining training needs, it was agreed that RCAF instructors would continue training until the end of 2001 in former Khmer Rouge areas. Accordingly, five additional training courses were conducted in several districts in the provinces of Battambang and Kampot, and three more were planned at the time of writing.

22. Consistent with the new approach of promoting the sustainability of human rights education for RCAF through the integration of human rights training into the military schools' programmes, OHCHR/Cambodia supported the organization of human rights training in the Pichnil Officers School as part of three long-term training courses for RCAF personnel.

23. A five-day human rights training course was conducted by OHCHR/Cambodia as part of a three-month programme for 73 middle-rank officials of the Royal Gendarmerie based in provinces.

Cambodian National Police

24. During the period under consideration, extensive training was conducted throughout Cambodia, based on the schedule issued by the Ministry of the Interior for the Police Human Rights and Law Training Programme. OHCHR-trained police instructors trained some 2,155 police officials using the curriculum developed by OHCHR/Cambodia. A total of 57 training courses were conducted in 14 provinces and municipalities. OHCHR/Cambodia staff observed the courses and assisted the instructors in delivering them.

25. OHCHR/Cambodia continued the implementation of the inter-agency project "Law enforcement against sexual exploitation of children", together with UNICEF, the International Organization for Migration (IOM), Redd Barna, World Vision and the Ministry of the Interior. The overall goal of the project is to improve the capacity of the police to investigate cases of sexual exploitation and trafficking of children, including rescue of victims, development of referral systems, arrest of offenders and initiation of court proceedings. In July 2001, three provincial workshops, two in Kompong Cham and one in Svay Rieng, were held for 112 judicial police officials. This completed the first series of basic-level workshops at the provincial level foreseen by the project. In September 2001, the second series of provincial workshops, more practically oriented and based on case studies, began. As of the end of November 2001, six workshops had been conducted in Siem Reap, Banteay Meanchey, Battambang, Kompong Thom, Prey Veng and Takmau, with a total of 222 participants. Two 2-week advanced on-the-job training sessions were also conducted in Phnom Penh for 14 judicial police officials who had previously participated in the provincial workshops.

26. Since July 2001, the investigation team of the Ministry of the Interior, which was established under the project, reported 27 arrests for offences including trafficking, sale, debauchery, illegal confinement and rape. A total of 113 victims were rescued, of whom 47 were under 18 years of age.

4. Implementation of education and technical assistance and advisory services programmes

(a) Education for government officials and general population

University education

27. OHCHR/Cambodia continued to assist the Faculty of Law and Economic Sciences of the Royal University of Phnom Penh in the establishment of a course on human rights and a human

rights section in its library. With OHCHR/Cambodia's support, the Cambodian professor in charge of teaching human rights attended the International Institute of Human Rights Study Session in Strasbourg, France, in July 2001. With the assistance of an international consultant, an expanded outline for a human rights course for students of both law and economics was designed. The course, which includes two semesters for a total of 60 hours, was inaugurated during the mission of the Special Representative in November 2001. Teaching notes and a list of reference materials were also compiled. The Dean of the Faculty of Law and the professor of human rights conducted a study visit to five universities teaching human rights in Thailand.

Labour

28. OHCHR/Cambodia is supporting the organization of 20 training sessions on labour rights by the Inspection Department of the Ministry of Social Affairs, Labour, Youth and Rehabilitation. The training is carried out by labour inspectors and is directed at managers and employers' representatives in garment and shoe factories in Phnom Penh and Sihanoukville. OHCHR/Cambodia and the competent ministry department agreed on a mechanism to assess the impact of the training based on the data gathered through the regular and special inspections conducted by the department.

29. OHCHR/Cambodia also held a session on labour rights for representatives of the business community in November 2001.

Trafficking

30. Six training sessions on the legal aspects of trafficking in human beings and sexual exploitation were conducted for high school students, commune and village-level authorities and villagers by OHCHR/Cambodia's provincial offices in rural areas of Malai, Prey Veng, and Siem Reap.

31. OHCHR/Cambodia is a member of the Cambodian National Project Committee against Trafficking of Women and Children in the Mekong Subregion. The Committee comprises representatives of a number of Ministries, two NGOs, UNICEF, the United Nations Development Programme, OHCHR and IOM. The Committee, chaired by the Minister of Women and Veterans' Affairs, reviews periodically the progress in the implementation of the project and discusses issues of relevance to the prevention of trafficking and the protection of trafficking victims.

32. In the context of the National Project, OHCHR/Cambodia organized a coordination meeting of organizations involved in the provision of training to judges and police on trafficking and sexual exploitation issues in order to identify the shortcomings and address the needs.

Information

33. Human rights publications, laws and information materials are regularly distributed to the general public, NGOs and government officials. Following the introduction of human rights teaching at the Royal University of Phnom Penh, requests for such materials have substantially increased.

34. At the time of writing of this report, OHCHR/Cambodia was planning the organization of Human Rights Day celebrations in several locations at the provincial and district level.

(b) Assistance to the judiciary

35. OHCHR/Cambodia continued to implement a Judicial Mentor Programme that provides practical assistance to the judiciary. This programme was initiated in October 1995 and has covered a total of 16 courts. During the reporting period the programme operated at the Supreme Court, the Appeal Court, Battambang Provincial Court, the Phnom Penh Municipal Court, Prey Veng Provincial Court, Sihanoukville Municipal Court and Svay Rieng Provincial Court.

36. Judicial mentors provide daily advice and training to judges, prosecutors and other court personnel on administrative and legal issues, focusing on the implementation of international human rights standards in their work. The judicial mentors are also involved in identifying and trying to address the shortcomings in the legal and judicial system. They constitute an important source of information in relation to the Government's planned judicial reform efforts.

37. In addition to their work with court personnel, the judicial mentors assist other actors involved in the administration of justice, including police and prison officials. The judicial mentors in their respective provinces/municipalities organize monthly meetings with all those involved in the administration of justice in order to improve coordination and to solve existing problems.

38. An external evaluation of the Judicial Mentor Programme by two independent experts was carried out from 30 July to 12 August 2001. The independent experts concluded that the Programme remained sound, but recommended that OHCHR/Cambodia reformulate it in order to consolidate the knowledge and experience accumulated thus far. Steps are now being taken to integrate the Programme into the activities of the Office and to the reform agenda of the Government.

39. OHCHR/Cambodia, in cooperation with the Prosecutor-General of the Court of Appeal, organized a workshop for prosecutors to review the activities of the Public Prosecution Department and the difficulties encountered. The Office has been assisting the Prosecutor-General to organize similar workshops since 2000 to help develop an action plan for reform of the Public Prosecution Department. It is expected that an action plan for reform will be prepared during the first half of 2002.

40. The Office had a meeting with donors and NGOs active in the judicial field to discuss their efforts to strengthen the judicial system in the context of judicial reform.

41. Basic material support was provided to the clerks in 12 courts as a part of a project focusing on the role and capacity of court clerks.

42. OHCHR/Cambodia has begun to develop judicial education materials on human rights. In October and November 2001, through consultations with courts, lawyers, NGOs, and international actors involved in assisting the judiciary, an assessment of the human rights training needs of judges and prosecutors was conducted. Education materials will be finalized in 2002.

5. Human rights reporting obligations and implementation of recommendations made by treaty monitoring bodies

43. Cambodia is party to the six main international human rights instruments and has submitted initial reports under the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Rights of the Child.

44. During the reporting period, OHCHR/Cambodia continued to assist the Inter-Ministerial Committee on the Preparation of Human Rights Reports to the United Nations in preparing the Government's report on the Convention for the Elimination of All Forms of Discrimination against Women. At the time of writing of this report, the report had been finalized by the Inter-Ministerial Committee and submitted to the Minister of Women and Veterans' Affairs for review.

45. As part of its assistance in this area, OHCHR/Cambodia also supported the participation of two staff of the Ministry of Women and Veterans' Affairs to attend at a training course organized by the Economic and Social Commission for Asia and the Pacific on the Convention and the guidelines for the preparation of State party reports.

46. In August 2001, the Government transferred responsibility for the preparation of reports to the treaty bodies to the Government's Cambodian Human Rights Committee. In October 2001, OHCHR/Cambodia conducted a two-day training session for the staff of the Committee in charge of drafting Cambodia's initial report on the implementation of the International Covenant on Economic, Social and Cultural Rights, and the second report on the International Convention on the Elimination of All Forms of Racial Discrimination. The training covered Cambodia's international human rights obligations, the treaty reporting process, the working of the Committee on Economic, Social and Cultural Rights, the provisions of the International Covenant on Economic, Social and Cultural Rights, the guidelines for the preparation of State party reports, and a review of Cambodia's experience in preparing reports for United Nations treaty bodies.

47. Consistent with its objective to encourage NGO participation in the treaty reporting process, OHCHR/Cambodia also conducted broad consultations with human rights and development NGOs to brief them on the treaty reporting process and possible NGO involvement through the preparation of parallel reports. Interested NGOs created a working group to work with the governmental committee, as well as to prepare a parallel report on the implementation of the ICESCR. In November 2001, OHCHR/Cambodia conducted a series of brief training sessions for the organizations responsible for preparing the sections of the reports on the right to housing and on the enjoyment of economic, social and cultural rights by women and minorities.

48. OHCHR/Cambodia also conducted a review of the status of implementation of the concluding observations on Cambodia adopted by the Committee on the Rights of the Child and the Human Rights Committee.

6. Support to non-governmental human rights groups in Cambodia

49. OHCHR/Cambodia provides training, legal advice and other forms of technical and financial assistance to strengthen the capacity of local NGOs and other civil society organizations to carry out activities in the field of promotion and protection of human rights.

Education

50. A workshop on environmental rights for community educators from 24 NGOs was conducted in June 2001 as part of the Environmental Rights Advocacy Training Programme, which is being implemented in cooperation with the NGO Forum on Cambodia. The workshop focused on methodology and skills for education and community organization on environmental rights issues. Following the workshop, NGOs submitted plans to carry out education and/or community organization activities, which will be supported by OHCHR/Cambodia.

51. Monthly training sessions for women and children in difficult situations were provided as part of a vocational training programme. OHCHR/Cambodia also participated in training programmes organized by local NGOs on the right to education, HIV/AIDS and human rights, and human rights and corruption.

Support to NGO projects

52. Fourteen human rights projects by local NGOs which are funded under the Trust Fund for a Human Rights Education Programme in Cambodia were completed during the reporting period. OHCHR/Cambodia monitored and assisted NGOs in the implementation of their projects through field visits, observation of training activities and regular review meetings. The projects included: a prisoners' literacy programme, human rights education for police and prison officials on the human rights of women, training on HIV/AIDS and human rights for medical workers, strengthening the human rights information management capacity of local NGOs, investigation of human rights violations, protection of and education for ethnic minorities, establishment of a sex workers' collective, provision of legal aid to juvenile offenders and victims of crime, production of Khmer theatre pieces on human rights, and investigation of human rights violations and assistance to victims.

53. At the time of writing of the report, criteria and priority areas for granting OHCHR/Cambodia assistance for the period 2001-2002 had been defined and NGO project proposals assessed. The priority areas that were identified are minority rights, HIV/AIDS and human rights, corruption, and juvenile justice.

Cooperation with NGOs

54. OHCHR/Cambodia continued to participate in meetings of the Cambodian Human Rights Action Committee, a coalition of 18 NGOs that meets regularly and coordinates action on human rights issues.

55. Following a training course on HIV/AIDS and human rights conducted in cooperation with APCASO (Asia Pacific Council of AIDS Service Organizations) in May 2001, an HIV/AIDS and Human Rights Advisory Group was established consisting of most of the NGO participants in the workshop. OHCHR/Cambodia has assisted the Group in gathering information on discrimination against people living with HIV/AIDS. The result of their work was discussed at a two-day workshop in July 2001 and presented to a meeting in August 2001, attended by government representatives and donors.

56. OHCHR/Cambodia also facilitated and supported a group of Cambodian NGOs to organize a Public Forum on Minority and Indigenous Rights in August 2001 as part of its activities to encourage involvement in the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. Participants included government representatives, members of the National Assembly and Senate belonging to minorities, community representatives, members of minority and indigenous groups and NGOs. The Forum's recommendations were presented to the NGO Forum of the World Conference and are being formally submitted to the Government and the National Assembly. OHCHR/Cambodia also supported the participation of one NGO representative to the Conference.

57. OHCHR/Cambodia continued to provide advice on monitoring and investigation to members of the Cambodian Human Rights Action Committee at the national and local levels, and conducted joint investigations into cases of human rights violations. It also facilitated dialogue between members of the Cambodian Human Rights Action Committee and government officials and members of the judiciary on issues of general concern as well as individual cases of human rights violations. The Office expressed concern to the relevant authorities about reported cases of intimidation and a threat of arbitrary arrest of members of local human rights NGOs.

58. As mentioned above, OHCHR/Cambodia facilitated and participated in working groups of NGOs to promote the participation of civil society in the law-making process. Staff of NGOs also participated in the two training courses on legislative drafting organized by the Office during the reporting period.

D. Preparations for Commune Council elections

59. OHCHR/Cambodia carries out a number of activities in connection with the Commune Council elections. It investigated reports of election-related violence and intimidation. It held briefings for members of the diplomatic community, government officials, National Election Committee members and representatives of NGOs. It continued to participate in coordination mechanisms that have been established on election-related issues. It also provided comments and advice on the formulation of National Election Committee regulations.

60. OHCHR/Cambodia has developed an election programme. The programme will initially focus on the Commune Council elections in February 2002. It includes monitoring, reporting, legal assistance and capacity-building activities.

61. In preparation for the elections, OHCHR/Cambodia provincial offices conducted training sessions on human rights and democracy for district, commune and village officials. Efforts have been made to reach areas where no such training had taken place before, especially former Khmer Rouge areas in Malai, Battambang and Kampot.

E. Coordination with the United Nations system and donors

62. Information on joint implementation of human rights programmes with other United Nations agencies has been provided.

63. OHCHR/Cambodia participates in a number of United Nations and donor coordinating mechanisms on human rights and rule of law issues. It regularly participates in the United Nations Theme Group on HIV/AIDS and the United Nations Technical Working Group on HIV/AIDS. In this context, OHCHR/Cambodia contributed to the development of the United Nations Common Strategy 2001-2005, participated in a United Nations Country Team workshop on the implementation of the United Nations strategy and in the preparation of a United Nations integrated work plan.

64. OHCHR/Cambodia also participates in the bimonthly meetings of the Inter-Agency Working Group on Commercial Sexual Exploitation and Trafficking of Women and Children in Cambodia. The Working Group brings together United Nations and international agencies, NGOs and bilateral donors that implement programmes in this area, with the main purpose of exchanging information to facilitate coordination. Participants in the meeting included IOM, UNICEF, the International Labour Organization International Programme on the Elimination of Child Labour, the Cambodian National Project in the Mekong Subregion, the Australian Agency for International Development and several international NGOs.

65. OHCHR/Cambodia maintained regular contact with the Office of the United Nations High Commissioner for Refugees concerning the status of persons who applied for refugee status and in connection with asylum-seekers from the Central Highlands in Viet Nam.

F. OHCHR/Cambodia staff

66. OHCHR/Cambodia is composed of one main office located in Phnom Penh, eight provincial offices and six Judicial Mentors offices. OHCHR/Cambodia office staff includes 56 national and 22 international Professional staff. The Office is comprised of the Chief's office, the Legal Assistance Unit, the Education, Training and Information Unit, the Monitoring and Protection Unit and the Administrative Unit.

67. The Provincial Office Network is comprised of 2 international human rights officers (United Nations Volunteers) and 16 national human rights officers and assistants. The provincial offices are located in the provinces of Battambang, Banteay Meanchey, Kampot, Kompong Cham, Prey Veng, Siem Reap, Malai, and Pailin.

68. The Judicial Mentors Programme is located in the six following courts: Kompong Cham Provincial Court, Supreme Court, Phnom Penh Municipal Court, Battambang Provincial Court, Svay Rieng Provincial Court and Prey Veng Provincial Court.

UNITED NATIONS **E**

Economic and Social Council

Distr.
GENERAL

E/CN.4/2002/118
28 December 2001

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-eighth session
Item 19 of the provisional agenda

ADVISORY SERVICE AND TECHNICAL COOPERATION IN THE FIELD OF HUMAN RIGHTS

Situation of human rights in Cambodia

Report of the Special Representative of the Secretary-General for Human Rights in Cambodia, Peter Leuprecht, submitted in accordance with resolution 2001/82

CONTENTS

		Paragraphs	Page
Executive summary			2
Introduction		1 - 3	4
I.	THE SPECIAL REPRESENTATIVE'S ACTIVITIES AND SOURCES	4 - 9	4
II.	MAJOR DEVELOPMENTS AND HUMAN RIGHTS ISSUES OF CONCERN	10 - 102	5
	A. Communal elections scheduled for 3 February 2002	10 - 36	5
	B. Judicial reform	37 - 71	10
	C. The administration of justice: follow-up	72 - 81	15
	D. Right to education	82 - 99	16
	E. Other issues	100 - 102	19
III.	RECOMMENDATIONS	103 - 126	19

GE.01-16559 (E) 300102

Executive summary

This report is submitted in accordance with resolution 2001/82 of the Commission on Human Rights and is based on the fourth visit to Cambodia of the Special Representative of the Secretary-General for Human Rights, which was carried out from 18 to 28 November 2001. During this visit the Special Representative met with various government officials and representatives of non-governmental organizations and the diplomatic and donor communities.

The fourth visit of the Special Representative focused on two main issues: the upcoming Commune Council elections and judicial reform. The issue of the right to education was also examined preliminarily, with a view to exploring this complex issue more fully on the occasion of the next visit. He also followed up on issues raised in his report to the fifty-sixth session of the General Assembly.

The Commune Council elections scheduled for 3 February 2002 represent an important opportunity for Cambodians for the popular election of leadership at the local commune level, and are a significant step toward democratization and decentralization in Cambodia. A peaceful and transparent electoral process will be a useful indicator of the level of preparedness for the National Assembly elections planned for 2003. In general, the Special Representative has a favourable impression of the preparations for the Commune Council elections. Eighty-three per cent of eligible voters have registered, although some voters who wished to register were unable to do so. Irregularities with regard to the registration of candidates have been addressed by the relevant election officials. The Special Representative wishes to draw attention to the penal provisions of the Election Law designed to address irregularities in the election process; he advocates the effective implementation of these provisions in the future.

The Special Representative welcomes assurances from the Government that political violence will not be tolerated and, in particular, the Prime Minister's commitment to reiterate his earlier statements against politically related violence in advance of the elections. Also welcome is the directive of the Ministry of the Interior to local officials to investigate and prevent any incidents of election-related violence, threats or intimidation. In relation to the issue of political intimidation, the Special Representative visited the former Khmer Rouge stronghold of Koh Sla in Kampot Province, where a number of cases of intimidation had been reported. The Special Representative commends the Provincial Election Committee in Kampot Province for its effective work in this particularly difficult region. The Special Representative was encouraged that a meeting of former Khmer Rouge commune officials, Elections Committee officials and members of all political parties took place in a frank and constructive spirit.

The Special Representative reiterates the urgent need for reform of Cambodia's judiciary and welcomes the Prime Minister's assurance that judicial reform remains a high priority for the Government. Concrete signs of the Government's commitment would be most welcome by the Special Representative and the international community, including in particular: the passing of the Statute of Judges; the opening up of access to the Bar and the judiciary for trained law graduates; the increase of judges' salaries; and increased budget allocations to the judicial sector. The Special Representative also appeals to donors to continue their generous support of judicial reform and, moreover, to improve coordination between them.

The Special Representative began his investigation into the situation of education in Cambodia on this fourth visit. In particular, he inquired about quality and access, especially in relation to traditionally marginalized groups such as girls, ethnic minorities, indigenous peoples, the disabled, inhabitants of remote areas and the poor. The Special Representative will explore this issue more deeply on the occasion of his fifth visit in the spring of 2002.

The Special Representative discussed the memorandum of understanding between the Government and the Office of the High Commissioner for Human Rights (OHCHR) with the Minister for Foreign Affairs. An agreement was reached on the text and on the one outstanding provision concerning the freedom of expression of participants in OHCHR/Cambodia programmes and meetings. However, at the time of writing it had unfortunately still not been signed.

This report was completed on 17 December 2001.

Introduction

1. The present report is submitted in accordance with resolution 2001/82 of the Commission on Human Rights. This is the Special Representative's second report to the Commission. Following the Special Representative's second and third visits to Cambodia, a report was drafted in July 2001 and submitted to the fifty-sixth session of the General Assembly in November 2001 (A/56/209). On 19 December 2001, the General Assembly adopted resolution 56/169 on the situation of human rights in Cambodia.

2. On 25 April 2001, the Commission on Human Rights adopted resolution 2001/82 on the situation of human rights in Cambodia. In that resolution, the Commission requested the Secretary-General, through his Special Representative for human rights in Cambodia, to assist the Government of Cambodia in ensuring the protection of the human rights of all people in Cambodia.

3. This report builds upon the Special Representative's earlier reports to the Commission on Human Rights and the General Assembly. The Special Representative will, in general, attempt to avoid repeating what he has stated in previous reports. His approach and methodology remain the same, as described in previous reports.

I. THE SPECIAL REPRESENTATIVE'S ACTIVITIES AND SOURCES

4. The Special Representative carried out his fourth visit to Cambodia from 18 to 28 November 2001. The visit focused on two main themes: communal elections and judicial reform. Preliminary examination of the right to education also took place, with a view to conducting deeper investigation of the issue on his next visit. In addition, the Special Representative followed up on issues raised in preceding visits, including land, administration of justice and impunity.

5. During his fourth visit the Special Representative once again had an audience with the King of Cambodia, His Majesty Norodom Sihanouk. He also met with several senior officials, including the Prime Minister, the Minister for Foreign Affairs and International Cooperation, the newly appointed Minister of Justice, the Deputy Prime Minister and Co-Minister of the Interior, the Minister of Women's and Veterans' Affairs, the President of the Senate, and the President of the National Assembly.

6. In addition, the Special Representative met with the Chair, Vice-Chair and Secretary-General of the National Elections Committee (NEC), the President of the Supreme Court, the General Prosecutor of the Court of Appeal, the President of the Phnom Penh Municipal Court, members of the judiciary, the President of the Bar Association, the Bar Council, and representatives of various political parties. The Special Representative also consulted with leaders of civil society, members of the donor and diplomatic communities, including for the first time the Ambassador of China, as well as representatives of United Nations agencies. The Special Representative paid his second visit to the Law Faculty

and delivered a lecture to students on the occasion of the establishment of the Human Rights Chair at the Faculty of Law and Economics and the introduction of a new course, "International and national dimensions of human rights law and practice".

7. During his stay, the Special Representative carried out a visit to the Kampot Province, where he focused on preparations for the upcoming communal elections, and investigated cases of politically related violence and intimidation in the area. The Special Representative met with representatives of the provincial office of the Office of the High Commissioner for Human Rights in Cambodia (OHCHR/Cambodia), non-governmental organizations (NGOs) working in Kampot, the first and second deputy governors, the provincial police commissioner, the Chair of the Provincial Election Commission (PEC), the Chairs of the Commune Election Committees (CEC) for the communes of Ta Ken and Trapaing Plaing, and representatives of various political parties.

8. Following his fourth visit in Cambodia, the Special Representative spent a day in Tokyo at the invitation of the Government of Japan, Cambodia's largest single donor. While in Tokyo, the Special Representative met with various Japanese officials.

9. The Special Representative regrets the remarks made about him after his fourth visit by Prime Minister Hun Sen. He recalls that the mandate conferred upon him by the United Nations is to maintain contact with the Government and people of Cambodia; to guide and coordinate the United Nations human rights presence in Cambodia; and to assist the Government of Cambodia in the promotion and protection of human rights (Commission on Human Rights resolution 1993/6). In spite of progress made in certain areas, there is still much room for improvement of the human rights situation in Cambodia. The way forward is to address, seriously and honestly, the harsh realities that negatively affect the lives of Cambodians and their human rights, such as land-grabbing and forced expulsion. The Special Representative believes that progress will be achieved through frank and constructive dialogue between Cambodia and the international community, including the Special Representative. The Royal Government of Cambodia has a particular responsibility in this regard. The Special Representative has, in earlier reports, expressed his appreciation for the spirit of cooperation and openness shown by Cambodian authorities. He sincerely hopes that the same attitude will prevail in the future on the part of all Cambodian authorities.

II. MAJOR DEVELOPMENTS AND HUMAN RIGHTS ISSUES OF CONCERN

A. Communal elections scheduled for 3 February 2002

Preparations for the elections

10. In general, the Special Representative has a favourable impression of preparations for the Commune Council elections, which are scheduled for 3 February 2002. These elections will take place at the local level and will result in the replacement of current - and in some cases, long-standing - commune chiefs by popularly elected Commune Councils. The communal

elections represent an important step towards democratization and decentralization in Cambodia. A peaceful and transparent electoral process will serve as a useful indicator of the level of preparedness for general elections planned for 2003.

11. In terms of monitoring, international organizations are providing ongoing assistance to Cambodian Election Monitoring Organizations (EMOs); the European Union will provide some international election observers and long-term observers will arrive in December. The Special Representative welcomes and encourages further donor support in the area of election monitoring.

12. Eighty-three per cent of an estimated 6.2 million eligible voters have been registered for the communal elections. This figure is significantly lower than voter registration in the 1998 election. Lower registration may be related to the delay in the adoption by the NEC of election regulations, which in turn delayed voter education programmes, as well as to the shortage and late distribution of registration station materials.

13. Registration of candidates appears to have been relatively smooth. While there were some initial reports of difficulties encountered during candidate registration, all complaints have been, or are being, addressed at the CEC level, or through intervention at the PEC or NEC level. The participation of women as candidates is as follows: Sam Rainsy Party (SRP) 21 per cent, United National Front for an Independent, Neutral, Peaceful and Cooperative Cambodia (FUNCINPEC) 14.1 per cent and Cambodian People's Party (CPP) 13.3 per cent.

14. In terms of candidate registration, the Special Representative is concerned that in certain communes some parties were unable to field candidates because party members were too afraid to stand for election. In 14 of a total of 1,621 communes, only one party, the CPP, has fielded candidates.

15. The Special Representative is pleased that the NEC has supported voter education programmes in coordination with international and national NGOs.

16. While the Law on Communal Elections contains penal provisions under which election authorities may impose serious fines for the violation of election laws, many complaints have been resolved through conciliation. The penal provisions have so far not been applied. The Special Representative welcomes the instructions issued by the NEC to electoral commissions at all levels regarding complaints, hearing procedures, and punishments for violations of the Election Law. The NEC has also issued useful training materials on the same topic for NEC Legal Services officials.

17. The Special Representative welcomes as a positive development the NEC's assurance that equal access to public service electronic media will be allocated to parties for the purposes of campaigning. Access to broadcast media is perhaps the single most important means of levelling the playing field for all parties, particularly in Cambodia, where illiteracy remains high - especially in remote and rural areas - and where the current Government dominates ownership of broadcast media.

Pre-election violence and intimidation

18. It is obvious that any instances of violence or intimidation in a pre-election context will have a negative impact on the election climate. OHCHR/Cambodia is aware of the killing of seven candidates or prospective candidates and two political activists since January 2001; victims were members of either FUNCINPEC or the SRP. While OHCHR/Cambodia and Cambodian human rights groups have determined that several of those attacks were likely to have been political in nature, Cambodian officials have categorized them as personal, rather than political, disputes.

19. In the period from 1 June to 30 November 2001, OHCHR/Cambodia and local human rights organizations received 198 allegations of election-related instances of violence and intimidation. Of these, 93 have been confirmed, or are likely to be, as politically related. The majority of cases involved threats, harassment or intimidation, directed largely against members of the SRP and, to a lesser extent, FUNCINPEC; and have been committed by village and commune officials, including local police. About 40 per cent of reported cases have taken place in former Khmer Rouge areas. There is no evidence to support the existence of a centralized campaign of violence or intimidation. The Special Representative reiterates his statement of 2 August 2001, in which he stressed that all instances of violence in the election context must be seriously and independently investigated.

20. The Prime Minister made a commitment to repeat his earlier statements against political violence "15 times" before the February election. The Special Representative underscores the importance of the message of peaceful, free and fair elections, particularly from the Office of the Prime Minister.

21. The Special Representative welcomes the establishment on 3 August 2001 of the Central Security Office (CSO) for the Defence of the Commune/Sangkat Elections to deal specifically with election-related violence; the CSO is chaired by the Deputy Prime Minister and Co-Minister of the Interior. The Special Representative commends the CSO's 11 October 2001 directive ordering all local authorities and security forces to provide security to all persons participating in the election process, and to prevent and investigate instances of violence and intimidation. The directive also calls on all authorities to observe neutrality in their duties, and states that all parties have the right to put up signboards and organize public meetings. The Special Representative stresses the importance of translating both the spirit and the letter of the directive into action by authorities at the local level.

22. Interventions have been made by authorities in some of the cases of violence and intimidation. The Special Representative welcomes the Deputy Prime Minister's detailed account of complaints received and actions taken by the Central Security Office on several of the most serious instances of election-related violence.

23. On 30 June 2001 Uch Horn, a 52-year-old farmer and English teacher, was killed near his home in Baseth commune and district, Kompong Speu Province. Uch Horn was a prospective SRP candidate and had been a party trainer for several months prior to his death. Ten days before his death, he had erected a party signboard in front of his house. By that time Uch Horn

had reported to human rights organizations and local authorities concerns about his security. Two persons have been tried and convicted for the murder of Uch Horn. Arrests have been made, and investigations undertaken, in several other cases.

24. Meas Soy, a 57-year-old prospective FUNCINPEC candidate in Svay Chuk commune of Samaki Meanchey district, Kompong Chhnang Province, was killed in the evening of 17 July, the very day that he had invited party members to a meeting with the head of FUNCINPEC for Kompong Chhnang Province. In that case, and in the case of the 23 August killing of Touch Voeurn, prospective SRP candidate in Siem Reap, sufficient evidence for conviction was lacking and suspects were released in accordance with the law.

25. The Special Representative stresses the importance of article 127 of the Law on the Elections to the Commune/Sangkat Council, which stipulates that government officials must not carry out activities in support of a political party or its candidates. Accordingly, government officials should not use government resources - including human resources - for any activities on behalf of their political parties. Impartiality on the part of government authorities is necessary for a free and fair election process.

26. In his statement of 2 August 2001, the Special Representative raised concerns about government involvement in conducting opinion surveys on behalf of political parties. On 29 August 2001, local authorities gathered villagers from Tropeang Thom Cheung commune, Samrong district, Takeo Province, in order to recruit members for the CPP. During the ceremony villagers were asked to drink "oath water", swear loyalty to the CPP, as well as thumbprint CPP membership documents. The ceremony was attended by the Minister of Posts and Telecommunications and the Minister of Agriculture, Forestry and Fisheries, who distributed gifts to villagers.

27. Complaints have been submitted by election monitoring organizations to the Ministry of the Interior regarding the collection and recording of data from voter registration cards, which was being carried out by provincial authorities in the provinces Pursat, Battambang, Siem Reap, Kampot, Takeo, Kompong Speu and Svay Rieng. On 2 November 2001, the Co-Ministers of the Interior issued a directive to the governors of those provinces to investigate the confiscation of voter registration cards.

Visit to Chhouk district, Kampot Province

28. The Special Representative carried out a three-day visit to Kampot Province, where he focused primarily on the preparations for the election in Chhouk district. In Kampot town, the Special Representative met with provincial office staff of OHCHR/Cambodia, NGOs working in the area, the first and second deputy governors, the provincial police commissioner, the Chair of the PEC, as well as members of the four political parties registered to participate in the communal elections in Kampot.

29. In the period from 1 June to 31 October 2001, OHCHR/Cambodia confirmed 17 cases of election-related violence and intimidation as political or likely to be political in Kampot Province. Most cases involved threats, harassment and intimidation, but there were also cases involving death threats, as well as interference with signboards, directed against FUNCINPEC

and the SRP. Twelve of the cases had occurred in the area of Koh Sla, a former Khmer Rouge stronghold in Chhouk district comprising Ta Ken and Tropaing Plaing communes, prompting the Special Representative's visit to the area. A number of reports of threats and intimidation in the province, mainly in Chhouk district, were brought to the attention of local government, police and elections officials. The Special Representative looks forward to the findings of each of these offices on the cases raised and to their continued cooperation with OHCHR/Cambodia and its provincial office.

30. The Special Representative was favourably impressed by the work in Kampot of the PEC, which has undertaken to address individual cases in this particularly difficult area. Until only very recently, the area of Koh Sla was largely inaccessible even to authorities. Threats and intimidation are of particular concern in this context, where power at the local level has remained in the same hands for over 20 years.

31. In Ta Ken commune, the Special Representative met with the Chair and members of the CEC and the Chair and two members of the PEC. Voter education and election security issues were discussed. The Special Representative urged the two representatives to continue their cooperation in order to ensure peaceful elections.

32. In Tropaing Plaing commune, a meeting was held regarding the upcoming elections; participants included the CEC Chair for Tropaing Plaing, the PEC Chair for Kampot, the commune chief of Tropaing Plaing and his deputies, the deputies of the commune chief for Ta Ken, and members of CPP and FUNCINPEC, with SRP members arriving after the meeting had concluded. The meeting gave rise to a frank discussion on political intimidation and violence and the commitment of the various officials to prevent their occurrence and punish perpetrators. This unique meeting, which took place on the floor of a pagoda, afforded the participants a rare occasion to hear candidates and officials speak openly and offer their perspectives on recent events in the area. One participant, who had been unable to register as a voter, and therefore also as a candidate, addressed a complaint directly to the commune chief, in the presence of the PEC and CEC Chairs and the Special Representative.

33. The Special Representative found it constructive that all parties acknowledged the particular importance of pre-election cooperation in view of the likelihood that they would be required to work together on the Commune Councils after 3 February 2002. It is an encouraging sign of progress towards democracy that a meeting was possible in the former Khmer Rouge area of Koh Sla, and that it gave rise to a frank and peaceful discussion.

34. Following several visits to the area by members of the PEC, NEC and human rights organizations, as well as that of the Special Representative, the situation in Koh Sla appears to have improved. The number of allegations of election-related violence and intimidation had decreased at the time of writing of this report.

Post-election

35. The Special Representative believes that all monitoring efforts must extend beyond 3 February 2002 to ensure that power is transferred peacefully.

36. In the post-election context, many administrative duties at the commune level, including the registration of births, deaths and marriages, will be carried out by commune clerks. It is encouraging to note that these new public servants were recruited by examination. It is hoped that they will make a positive contribution to the efficient administration of the communes and to the further democratization of Cambodia.

B. Judicial reform

37. A properly functioning, independent and impartial judiciary is an essential element of any democratic State based on the rule of law and separation of powers; it also plays a key role in the guarantee of human rights. One of these is the right to a fair trial, which holds a prominent place in any democratic society. It is enshrined in democratic constitutions and in international human rights instruments, for example the International Covenant on Civil and Political Rights (art. 14).

38. Despite numerous, and in some cases voluminous, plans, reports and strategies, as well as institutions, dealing with judicial reform in Cambodia, there is little to report in terms of implementation or progress in this area. At last year's meeting of the Consultative Group in Tokyo, donor countries expressed their concern about the lack of action in the area of judicial reform.

39. In the light of mixed signals coming from the Government on judicial reform, the Special Representative was particularly interested in determining the level of political will to effect reforms. In that connection, he received assurances from the Prime Minister that judicial reform remains a high priority for the Royal Government of Cambodia; the Prime Minister also agreed with the Special Representative's assessment that the reform process has been too slow and must speed up. The Prime Minister further emphasized the importance of adopting the Statute of Judges and of increasing judges' salaries.

Prioritization of legislation

40. While judicial reform is a substantial task with many aspects requiring change and action, the Special Representative believes that the clearest sign of official commitment to judicial reform would be the immediate passing of the draft Statute of Judges into law. This important piece of legislation sets out the terms and conditions for employment of judges and prosecutors, and without it there can be no effective judicial reform.

41. In addition, the swift enactment of other important pieces of legislation would further improve Cambodia's legal and judicial systems. These laws include: the Anti-Corruption Law, the Penal Code, the Code of Criminal Procedure, the Civil Code and the Code of Civil Procedure.

Resources for the judiciary

42. The justice sector of the Government of Cambodia currently receives around 0.3 to 0.5 per cent of the national budget. This already inadequate amount is

often not even fully paid to the Ministry of Justice and the courts. When other ministries overspend their allocated budgets, funds are diverted from the budget of the Ministry of Justice to compensate.

43. Courts are often forced to borrow money locally, sometimes relying on the governor's office, in order to pay for such necessities as electricity. These arrangements can seriously compromise the independence of the courts. Another adverse effect of such meagre resources is that courts are unable to properly maintain their buildings and offices, leaving Cambodia's courts in disgraceful condition. The lack of resources also hampers the ability of prosecutors and investigating judges to investigate complaints adequately.

44. The Special Representative remains convinced that the independence of the judiciary would be advanced if the courts received adequate and autonomous budgets with which to operate and adequately pay judges and prosecutors.

Infrastructure and support services

45. The conditions of Cambodian courts are very poor; in many cases the court buildings are dilapidated and close to collapse. There is also a lack of courtrooms for the hearing of cases. Often, there are judges and prosecutors available to hear cases, but no courtrooms to accommodate them. If the simple task of building courtrooms were undertaken, delays in hearing cases could be greatly reduced.

46. Support services for the judicial system, such as police and forensic investigation, require training. In many cases, inadequate or improperly conducted investigations by police and the inability of medical services to provide the necessary evidence of injury cause delays and sometimes injustices in the judicial system.

47. Delays and injustices are also caused by the failure of the Prisons Department of the Ministry of the Interior to transport prisoners from Prey Sor Prison to a Phnom Penh courtroom. This problem also arises in the failure to transport appellants from the provinces to the Appeal or Supreme Courts in Phnom Penh. In many cases, hearings are nevertheless conducted in the absence of the accused person. The Ministry of the Interior must support the work of the courts and the proper administration of justice by transporting prisoners to court for their hearings.

48. Another practical means of improving the administration of justice in Cambodia would be to establish a proper Office of the Bailiff, which would ensure the effective enforcement of judgements.

Independence of the judiciary

49. The principle of the independence of the judiciary is enshrined in Cambodia's Constitution, as well as in the International Covenant on Civil and Political Rights, to which Cambodia is a party.

50. As stated in earlier reports, Cambodia's judiciary often shows signs of being neither impartial nor independent. Security remains a concern for judges: in August 2001 in Kampong Chhnang, the court refused to comply with an instruction from the Governor's Office. The court's refusal led to the organization of a public demonstration against the court; this intimidation ultimately resulted in the court's compliance with the Governor's instruction.

51. Interference with the judiciary is evident in the continued existence of circulars previously issued by the Ministry of Justice, which instruct judges on their decisions and sentences. Interference has also taken place with respect to the execution of judgements. The newly appointed Minister of Justice requested information from OHCHR/Cambodia regarding existing circulars, and stated that he would investigate the matter. The Minister also offered assurances that he would interfere neither with judgements - either directly or through the issuance of circulars - nor with the execution of judgements. The Special Representative welcomes these commitments by the Minister and it is hoped that he will direct all Justice Ministry officials accordingly.

52. The politicization of the judiciary remains an area of concern. In conflict with constitutionally and internationally recognized principles of judicial independence and impartiality, many of Cambodia's judges are openly aligned with political parties. One encouraging indication of a move toward depoliticization arose in terms of the recent appointment of 29 new judges; the Special Representative was told that the appointing body, the Supreme Council of the Magistracy, was not aware of, and therefore did not consider, the political affiliation of candidates.

Supreme Council of the Magistracy

53. The mandate of the Supreme Council of the Magistracy (SCM) is to safeguard the independence of the judiciary. However, as with the judiciary, there is concern about the politicized character of the SCM and its members. The functions of the SCM could be carried out more effectively if its members were, and were seen to be, independent and impartial.

54. While the SCM has begun to take a more active role in the judicial system, there is concern that its lack of independence is resulting in the punishment of members of the judiciary for failing to comply with illegal directives. At the same time, allegations of corruption continue to go unpunished by the SCM.

55. In order to fulfil more effectively its crucial role as guardian of the independence of Cambodia's judiciary, the SCM must be reformed, particularly in terms of depoliticization. The efficient functioning of the SCM would also be improved through the establishment of a permanent and independent secretariat.

School for magistrates

56. The proposed school for magistrates will provide Cambodia's judicial system with new and better-educated lawyers to function as judges and prosecutors. The school is a joint project of the Royal Government of Cambodia and the Government of France. The French judge charged with overseeing the project assured the Special Representative that the school would be

open and operational by 1 October 2002. However, the Royal Government of Cambodia has yet to issue the necessary decree for the establishment of the school. The Special Representative wishes to underscore to the Royal Government of Cambodia the importance of issuing this decree, as it represents both a step towards improving Cambodia's judiciary and a further sign of the Government's commitment to judicial reform.

57. Once the decree is issued and the new institution established, there remains the important task of selecting a director for the school. Great care must be taken to appoint a competent and independent director in order to ensure the proper functioning of the school.

58. The Special Representative also highlights the importance of admitting for training all qualified lawyers in order to ensure the highest quality of judges and prosecutors for the country. The school could also play an important role with regard to the continuing education of currently serving judges.

59. The school for magistrates is a serious and necessary undertaking and is an area in which donor support could produce tangible advances in judicial reform.

Lack of lawyers

60. The lack of lawyers in Cambodia is a critical issue affecting judicial reform. It is estimated that there is one lawyer for every 50,000 Cambodians. Many persons appear before the courts without legal representation and without having had access to lawyers prior to police interviews. In addition, most of Cambodia's practising lawyers are concentrated in Phnom Penh and are therefore inaccessible to inhabitants of remote and rural areas.

61. Cambodia now has almost 1,000 law graduates, many of whom have tried unsuccessfully to gain access to the Cambodian Bar Association (CBA). The Law of the Bar currently provides two avenues for admission to the Bar. Article 31 sets out the requirement of professional training in a school for lawyers; however, the passing of the requisite subdecree establishing this institution was subject to lengthy delay. The Special Representative welcomes the passing by the Royal Government of Cambodia on 14 September 2001 of the Subdecree on the "Creation of a Professional Lawyer Training Centre in Cambodia". However, the Cambodian Bar Association has shown some reluctance with regard to its implementation. After a series of meetings with the President of the CBA as well as the Bar Council, the Special Representative was assured that the training school for lawyers would be operational in September 2002.

62. As with the school for magistrates, the training school for lawyers must operate transparently and must be open to the largest number of students possible.

63. Access to the Bar may, alternatively, be obtained under article 32, which provides that law graduates with at least two years' practical legal experience may qualify for admission. Regrettably, the CBA has adopted a very restrictive interpretation of this article, admitting only those who have worked in public institutions. In that connection, the Special Representative met with the Working Group on the Shortage of Lawyers in Cambodia, which seeks to address the limited access to the Bar for recent law graduates with relevant work experience in non-governmental or private organizations. Under the CBA's restrictive interpretation of

article 32, even those with experience in Cambodia's legal aid NGOs do not qualify for admission. Many more law graduates are unable to find legally related work and must earn their livings as waiters or taxi drivers.

64. There is concern that the Bar Council may be considering the repeal of article 32, which would have the negative effect of further restricting access to the Bar. The Special Representative believes that improvement of the legal profession depends significantly on the opening up of access to the Bar and he strongly urges the Bar Council to maintain article 32 and recommends that it should be interpreted according to its plain and obvious meaning.

65. While the Law of the Bar provides some recourse for applicants who are refused, in some cases, the Bar Association has refused even to accept applications, effectively denying applicants the appeal procedures available under the Law. Through its prohibitive policies, the Bar Association appears to be operating a "closed shop".

66. The Special Representative believes that the admission of new, well-trained law graduates into the practice would be an effective, practical step towards the improvement of the judicial system. Not to admit them amounts to a shameful waste of human resources, particularly when Cambodia's population requires many more lawyers to serve it properly. The Special Representative raised this issue during his audience with the King, who agreed that the matter required action. In a letter to the Minister of Justice, the Supreme Council of the Magistracy and the Prime Minister, the King expressed his support for the opening up of the Bar and the judiciary and urged them to do everything possible to allow young graduates to pursue employment suitable to their education, and thus best serve Cambodia and Cambodians.

Juvenile justice system

67. On his previous visits to Cambodia, the Special Representative noted the dire situation of children in Cambodia's prison system. Whether in pre-trial detention, convicted, or living with their imprisoned mothers, these young people are potentially attending a school for crime while incarcerated. Efforts need to be taken immediately to ensure that juveniles are treated in accordance with the Convention on the Rights of the Child, to which Cambodia is a party, and other international instruments affecting the rights of children within the justice system.

68. The Prime Minister agreed with the Special Representative that Cambodia urgently needs a juvenile justice system. This need is becoming increasingly acute as the number of children coming into contact with the justice system and being detained and imprisoned is on the rise.

The role of the donor community

69. Donors play, and must continue to play, an important role in providing assistance to the Royal Government of Cambodia in the area of judicial reform. This support has generally taken the form of technical assistance, but more consideration should be given to providing related material support.

70. The Special Representative encourages, in particular, the continued support of NGOs working in the judicial field. These NGOs are over-extended in their provision of legal aid in a country where the vast majority of the population is unable to pay for legal services.

71. The Special Representative also wishes to underscore the importance of improved coordination among donors in the area of judicial reform. Such coordination and cooperation not only prevents duplication of aid, but also helps to identify areas that are not receiving adequate assistance.

C. The administration of justice: follow-up

72. During his fourth visit to Cambodia, the Special Representative also sought follow-up information on particular cases in relation to the administration of justice.

Pre-trial detention of CFF suspects

73. In earlier reports, the Special Representative raised concerns about due process and the so-called Cambodian Freedom Fighters (CFF) group. The first arrests of CFF suspects took place in November 2000 and subsequent arrests have been made up until the time of writing.

74. Two trials have already taken place, both of which contained similar errors and irregularities of procedure. In particular, many detainees were held in excess of six months, the legal limit for pre-trial detention. In addition, access to detainees by their families and lawyers has been restricted and subject to special procedures. If families are not able to visit the detainees, the detainees often do not receive sufficient food. Several of the suspected CFF detainees reportedly suffer from various illnesses - some grave - resulting from malnutrition and vitamin deficiencies. Restricted access to lawyers precludes the detainees' right to legal counsel and to an adequate defence. The Deputy Prime Minister and Co-Minister of the Interior assured the Special Representative that henceforth, access to detainees by family and lawyers will not be subject to any special measures and will be granted according to the law.

75. There is concern that the arrests of some of the CFF suspects arrested since September 2001were carried out without warrants. The Special Representative has raised this concern with the Deputy Prime Minister and Co-Minister of the Interior, and welcomes any clarification regarding these recent arrests.

Impunity

76. The Special Representative remains concerned about the continuing problem of impunity in relation to mob killings. While some perpetrators have been brought to justice, many more continue to go unpunished. Although the number of mob killings has decreased in 2001, such instances do, and will continue to occur unless perpetrators are held accountable. Aside from one conviction in absentia by the Svay Rieng court on 6 November 2001, the Special Representative is not aware of any other cases where perpetrators of mob violence have been brought to justice.

77. A mob killing was reported on the last day of the Special Representative's visit. The occurrence of mob killings is a clear indication of lawlessness and impunity in Cambodia, and the Special Representative urges the Royal Government of Cambodia and relevant officials to give an equally clear indication that such incidents are unacceptable and will be punished. These cases must be seriously and swiftly investigated and those responsible must be brought to justice.

Land issues

78. The plethora of cases of unlawful confiscation of land continues to be of concern. During his fourth visit, the Special Representative sought updates on several land dispute cases that he had raised with the Prime Minister during his third visit in June and in his letter of 26 July 2001 to the Prime Minister.

79. The Special Representative requested that the Royal Government of Cambodia assist the hundreds of families who had been relocated from Psa Ra in Poipet town to mine-infested and undeveloped land in the village of O'Neang in June 2000. The Royal Government of Cambodia denied that the relocation area was in fact mined and continues to deny that to this day.

80. The Special Representative visited the site in June 2001 and personally observed demining activities, which were subsequently confirmed by written reports from the Cambodian Mine Action Centre (CMAC). In the light of the Special Representative's own visit last June and reports of CMAC, it is clear that the people from Psa Ra were in fact relocated to undeveloped, mined land. CMAC was still demining the area at the time of writing of this report; it reported 70 mines and unexploded ordinance found from December 2000 until 3 July 2001.

81. The Royal Government of Cambodia is constitutionally bound to recognize and respect the rights protected by the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. The right to an adequate standard of living, including adequate housing and living conditions, is one such right. The relocation of poor people to undeveloped, mined areas where they are unable to maintain an adequate standard of living is a denial of their basic human rights.

D. Right to education

82. As part of his global approach to human rights, the Special Representative looks at economic, social and cultural rights along with civil and political rights. The right to education is an essential and central right; it is closely linked to the exercise of all other rights, civil and political as well as economic, social and cultural. Cambodia has a very young population; over 40 per cent of its people are under the age of 15. The future of the country lies very much in the education of its children.

83. His fourth visit to Cambodia afforded the Special Representative the opportunity of a preliminary investigation of the situation of education in Cambodia, with a view to undertaking a broader investigation and engage in dialogue with the Government on the occasion of his fifth

visit. The Special Representative consulted with national and international NGOs working in the field of education, as well as with the representatives of the United Nations Educational, Scientific and Cultural Organization and the United Nations Children's Fund which are the leading United Nations agencies on education.

84. As noted in the Special Representative's earlier reports, Cambodia's most urgent problems are further complicated by their interrelatedness. This is certainly the case with education. The Cambodian Constitution guarantees free primary and secondary education to all citizens in public schools. Nevertheless, extra fees for schooling are often requested. Many children are unable to pay for schooling, or must stop schooling in order to help their families subsist; an estimated 400,000 children between 6 and 11 years do not attend school. Poverty is the cause and the effect of the dire situation of education in Cambodia today.

85. Cambodia's Constitution enshrines the principles of the Convention on the Rights of the Child and has many provisions on the right to education; but nowhere in the Constitution is primary education defined as compulsory. Moreover, as in so many other cases, the requisite legislation to implement the constitutional provisions is lacking, thus making enforcement of these obligations difficult if not impossible.

Economics and accessibility

86. The Royal Government of Cambodia has taken important measures to alleviate the financial burden on parents sending their children to school. On 3 July 2001 the Ministry of Education issued circular No. 1820 repealing entrance fees for primary and lower secondary school students. This measure should address the problem of the extra fees that are often requested of parents to repair buildings and pay for electricity. It is estimated that these costs can reach up to US$ 25 per year, an amount that is prohibitively high for many poor families, who must also pay for books and uniforms. The Special Representative welcomes this action and encourages the Ministry to monitor vigorously the full implementation of the circular.

87. There remains concern, however, about the daily fees that students are expected to pay to their teachers in order to receive instruction. These daily fees represent yet another obstacle to children's enjoying their right to education, particularly in the case of very poor families. There is further concern that children may be learning at a very young age and in what should be a positive and encouraging environment that even basic rights come at a price.

88. The Special Representative commends the Royal Government of Cambodia for increasing the budget allocation for the Ministry of Education to 18.2 per cent, almost double the allocation for 1999/2000. It is hoped that these increased funds will find their way to the most needy areas within the education sector.

89. In particular, there is an urgent need to address the problem of teachers' salaries, currently estimated to be around US$ 20 a month. Increased salaries could greatly reduce the need for teachers to charge daily fees. Increased salaries would also attract more teachers, as well as former teachers, to the profession.

90. The increased budget should also be used to fund the building of much-needed classrooms and schools. In primary and secondary schools, one may find between 40 and 45 students per classroom, and the problem is more serious in remote areas where there are even fewer classrooms and teachers.

91. Teacher training is also a priority. Cambodia's commitment to providing education for all must be a commitment to quality education, as acknowledged in the Government's Education Sector Support Plan.

Discrimination and accessibility

92. The Special Representative is particularly concerned about the problem of discrimination as it relates to access to education, on such grounds as gender, geography, ethnicity, disability and wealth.

93. Gender. Ministry of Education research indicates that girls' enrolment in school decreases significantly in relation to school level; while girls represent 49.6 per cent of students enrolled in pre-school, only 31.8 per cent of students enrolled in upper secondary school are girls.

94. Geographical/physical discrimination. In 1999/2000, there was no enrolment for upper secondary school in Oddar Meanchey Province and limited enrolment in Mondulkiri, Pailin and Ratanakiri Provinces. Students in remote areas have particular difficulty in exercising their right to education. In some provinces, even where there are schools, students are unable to reach them because there are either no roads, or the roads are in very bad condition; most children must walk to school. Very young children, often suffering from malnutrition, are simply unable to make the trip, sometimes a distance of 3 km, and therefore do not begin their education until the age of eight or nine.

95. Ethnic minorities. There is significant evidence that language and ethnicity, particularly for indigenous children, is a barrier to education. Classes are offered in Khmer despite the fact that most children of ethnic minorities, especially Vietnamese, and of indigenous peoples do not speak Khmer. Private schools have been established to serve the needs of some linguistic minorities, but these are often costly and are mainly concentrated in Phnom Penh.

96. Disabled children. Estimates from NGOs indicate that there are about 260,000 children with disabilities for whom educational opportunities are limited and for whom specialized education is not available.

Steps towards reform

97. The Special Representative was pleased to learn that education is an area in which much government effort has been met with enthusiastic and coordinated support from the donor community. He encourages the continuation and strengthening of such collaborative efforts, in particular the Government's spirit of cooperation with international and national organizations specializing in education.

98. The Special Representative welcomes the Royal Government of Cambodia's Education Sector Support Programme for 2001-2005 and encourages the Government to take all necessary actions to pursue its full implementation. This will be a formidable task, and the Special Representative stresses, in particular, the importance of improving access to education by those groups who have been traditionally marginalized, such as girls, ethnic minorities, indigenous peoples, inhabitants of remote areas and the poor.

99. The Special Representative also welcomes the continued efforts of the Education Management Information System (EMIS) Statistical Centre of the Ministry of Education, Youth and Sports in providing reliable data on education in Cambodia. These data should be disaggregated with regard to the situation of national, ethnic and religious minorities, in order to facilitate assessment and monitoring of access to education for these groups.

E. Other issues

Special tribunal to try those responsible for crimes committed during the Democratic Kampuchea regime

100. The law establishing the Extraordinary Chamber has been approved by all competent Cambodian authorities and has been signed by His Majesty, King Norodom Sihanouk. An official translation has been transmitted to and is being examined by the Legal Counsel of the United Nations. The Special Representative expresses his hope that an agreement will be concluded in the near future between the United Nations and the Royal Government of Cambodia so that the work of the tribunal can begin expeditiously.

Memorandum of understanding

101. The memorandum of understanding (MOU) sets out the conditions of cooperation between the Royal Government of Cambodia and the Office of the High Commissioner for Human Rights. The Cambodia Office of the High Commissioner for Human Rights has been operating without the benefit of the MOU for nearly two years now, and its work will continue unimpeded without it. However, signing the MOU would be a strong and clear sign from the Royal Government of Cambodia of its full cooperation with and commitment to improving the human rights situation of all Cambodians.

102. The Special Representative discussed the MOU with the Minister for Foreign Affairs. An agreement was reached on the text and on the one outstanding provision concerning the freedom of expression of participants in OHCHR/Cambodia programmes and meetings. However, at the time of writing it had unfortunately still not been signed.

III. RECOMMENDATIONS

103. The Special Representative once again commends the international community for its continued interest in and support of Cambodia, one of the world's poorest countries. It is hoped that the tragic events of September 2001 will not detract from attention to the country's urgent needs. The Special Representative strongly encourages donor countries to follow through on their pledged assistance and stresses that the protection and promotion of human rights should be

taken into account in all assistance programmes. The Special Representative wishes to point to the crucial importance of increased cooperation amongst donor countries for two important reasons: first, to avoid duplication of assistance and second, to determine and address efficiently areas where assistance is lacking.

104. For its part, the Government of Cambodia should recognize that the donor community is increasingly eager to see concrete results from government reform programmes and that these results will determine the degree of support in the future.

Communal elections

105. The February Commune Council elections represent a further step towards the consolidation of democracy in Cambodia and will serve as an important indicator with respect to the general election planned for 2003. In light of this, the Special Representative offers the following recommendations.

106. In the pre-election context, the Special Representative urges the effective enforcement of the criminal provisions aimed at addressing wrongful conduct that might alter the outcome of the elections.

107. The Special Representative recommends that firm measures be taken to ensure separation between State and party; in particular, the practice of using State resources for political campaign purposes must end.

108. Relevant authorities are called upon urgently and seriously to investigate all allegations of violence and intimidation against members of political parties and bring those responsible to justice.

109. The Special Representative strongly encourages the Royal Government of Cambodia to continue to convey a clear message to all relevant authorities and the public that violence and intimidation against members of political parties will not be tolerated before, during or after the Commune Council election period and leading up to the National Assembly elections in 2003.

110. The Special Representative believes that a truly independent National Election Committee should be established and allowed to administer elections free of any undue influence, interference or intimidation.

111. The Special Representative stresses the importance of equal media access for all political parties in the carrying out of free and fair democratic elections.

Judicial reform

112. The Special Representative strongly believes judicial reform will advance through the achievement of small, concrete steps. One such step would be the immediate enactment of the draft Statute of Judges into law. This piece of legislation sets out the terms and conditions of employment of judges and prosecutors and, among other things, determines the age and terms of retirement.

113. The Special Representative believes that a further concrete step would be the immediate introduction into the Bar and the judiciary of young, trained law graduates, some of whom already have practical legal experience. The school for the magistracy and the training school for lawyers, both expected to be operational in the fall of 2002, will provide new and current judges and lawyers with much needed professional training and will be a tangible step towards reform.

114. The Special Representative urges the Cambodian Bar Association to continue to allow access to the Bar through operation of article 32 of the Law of the Bar. It is also recommended that the interpretation of article 32 be reviewed so that it is read according to its plain and obvious meaning.

115. The Special Representative recommends that the Minister of Justice withdraw all circulars previously issued to judges and prosecutors which interfere with their independence. Furthermore, with a view to creating a climate where respect for the independence of the judiciary is paramount, the Special Representative urges the Minister of Justice and the Ministers of the Interior to take all necessary measures to ensure that government officials of all ranks do not interfere with the execution of judgements.

116. The Special Representative reiterates his recommendation that the Supreme Council of the Magistracy undergo urgent reform to ensure its independence from political interference. In particular, some distance between members of the SCM and political parties should be observed.

117. The Special Representative welcomes the continuing efforts of the Ministry of the Interior in training judicial police to undertake thorough investigation and documentation of cases. The Special Representative appeals to the Ministry of the Interior to make all necessary efforts to ensure that detainees are transported to court hearings and to ensure that the right of these persons to be present and to defend themselves at trial is respected.

118. The Special Representative is encouraged by the agreement of the Prime Minister that there is a need to establish a juvenile justice system and hopes that steps will be taken by the Royal Government of Cambodia to ensure that the rights of Cambodian children involved with the justice system are respected and protected.

119. The Special Representative strongly urges the Royal Government of Cambodia to increase the meagre budgetary allocation to the justice sector. An increased budget would facilitate and improve the operation of the courts, the Office of the Prosecutor and the administration of justice.

120. The Special Representative commends the support of donors with respect to judicial reform and encourages them to further coordinate and share information about their support for the Royal Government of Cambodia in this area.

Education

121. Analysis of the right and access to education in Cambodia must acknowledge the interrelationship of this right with issues of poverty and discrimination. With a view to

addressing in greater depth the complexities of education in Cambodia on his next visit, the Special Representative offers the following preliminary recommendations to the Royal Government of Cambodia and those who support it.

122. The Special Representative urges international donors to continue their support of the efforts of the Royal Government of Cambodia to respond to the needs of the population, in particular the effort to achieve compulsory, free primary education for all. The Special Representative commends and encourages cooperation amongst donors and between donors and the Royal Government of Cambodia.

123. The Special Representative believes that an important step in improving the situation of education in Cambodia is through the increase of teachers' salaries to a decent living wage, with a view to improving their motivation and dedication to their task.

124. The Special Representative welcomes the repeal by the Ministry of Education of entrance fees for primary and lower secondary school students and encourages the Royal Government of Cambodia to monitor the full implementation of this effort. Similar efforts with regard to the imposition of daily fees would also be welcome.

125. The Special Representative also welcomes the Government's Education Sector Support Programme (ESSP) for 2001-2005, and appeals to the Government to take all necessary steps to ensure the full implementation of the ESSP. Particular attention should be paid to the improvement of access to education for traditionally marginalized groups such as girls, ethnic minorities, indigenous peoples, inhabitants of remote areas and the poor.

126. The Special Representative recommends that the Education Management Information System (EMIS) Statistical Centre of the Ministry of Education, Youth and Sports continue its efforts to provide reliable, up-to-date statistics on education in Cambodia. These data should be disaggregated with regard to the situation of marginalized groups (other than girls) to facilitate accurate assessment and monitoring of their access to education.